

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
ORGANIZATIONAL SESSION 1979
SPECIAL SESSIONS 1979
REGULAR SESSION 1979

VOL. I



FOB JAMES, Governor
GEORGE D. H. McMILLAN, Lieutenant Governor
FINIS ST. JOHN, President Pro-Tem of the Senate
JOE C. McCORQUODALE, JR., Speaker of the House
RICHARD S. MANLEY, Speaker Pro-Tem of the House
MCDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1979 Organizational Session, Regular Session and Special Sessions of the Legislature of Alabama and is the official publication of such acts.

Don Siegelman
Secretary of State

Hammurabi, the King of Babylon, initiated a practice some 4000 years ago which has become a cornerstone of democratic government — a **written** code of laws. This ancient concept of the public's right to know is acknowledged and protected by the "due process clause" of the Fourteenth Amendment of the United States Constitution, the Alabama Constitution, and the Code of Alabama, which require that Alabama's laws be published and made available to the public.

However, because the laws are available to the public does not necessarily mean that they are accessible. It is said that one of the hateful acts of the ill-famed Roman Emperor Caligula was that of having the laws inscribed on a pillar so high that the people could not read them. In an effort to lower the "pillar" a tiny notch, and thereby make our laws slightly more accessible to for those who are regular users of the Alabama Acts, a new numbering system has been devised.

Under this new system, every act of the Legislature, regardless of the type of session in which it was enacted, is numbered sequentially in the order received by the Secretary of State from the Governor. Numbering begins at the commencement of each calendar year and incorporates a two-digit prefix corresponding to the last two digits of the year of enactment. For example, the first act passed by the organizational session of 1979 is designated as Alabama Act 79-1. This numbering system is continued through the special and regular sessions and concludes with Alabama Act 79-835.

People behind the scenes who have made these volumes possible include: McDowell Lee, Secretary of the Senate; John Pemberton, Clerk of the House of Representatives; Ann Worthington and Meridith Graves, enrolling and engrossing clerks; Dody Pappanastos and Helen Thorington, technical proofreaders, Louis Greene, Director of the Legislative Reference Service; the staff of the Secretary of State's office; and Edward Still, a Birmingham attorney, who provided voluntary advice on the new numbering system.

Questions or suggestions regarding the publication of these acts are welcomed.

Don Siegelman
Secretary of State

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**ADDRESS TO JOINT SESSION OF THE LEGISLATURE
BY GOVERNOR FOB JAMES
AT ORGANIZATIONAL SESSION JANUARY 16, 1979**

President Pro Tem St. John and Speaker Pro Tem Manley and distinguished members of the Alabama Legislature, I want to tell you that I appreciate your having me among your ranks this evening. I would like to say to you that yesterday in my inaugural talk I attempted to set forth a philosophy and a set of principles that will undergird and underwrite basically every decision that I make and every recommendation that I present to you. I hope the philosophy is set. I hope now it is time to talk operations. To talk nuts and bolts. To talk performance. And to talk productivity. And that is what I wish to do for the next 15 or 20 minutes.

I would like first to make mention of the fact that I understand certain resolutions are coming forth and being discussed in these bodies regarding economics. And I understand that there is keen interest here on maintaining Presidential guidelines. When I hear figures like 400 dollars and 65 dollars, I can say to you, that is defensible. This body in the fixed monthly sum of 300 dollars hasn't had a raise since 1967. And on the 50 dollar per diem, it hasn't had an increase since 1974. But I ask you to understand the President of the United States in my humble opinion is fighting a battle against inflation, an enemy that is deadlier than any foreign army America has ever had to face. And although we are not talking about a lot of money, sometimes things that are symbolic set a philosophy and set a tone and I beg you to give that due consideration. If there is a serious effort here, and I think there is, to stay within these guidelines, I want you to know that I will support you from one end of the state to the other because I think it is right.

I would now like to call the names of four members of the legislative body, the House of Representatives, whom I think deserve a very special welcome from all of us and I'm going to call their names, and then I'd like to lead this body in applause to Representative Martha Jo Smith of Huntsville, Representative Shelby Dean Ward of Opelika, Representative Ann Bedsole and Representative Mary Zoghby, the latter two from Mobile. They grace these halls and they make this body much more pleasant to gaze upon.

Comes a question of program and many of you have inquired about what programs I might have and I am appreciative of that. I am going to try to hit the highlights here in the next few minutes and give you some detail and some concept to the best of my ability

of what our programs will be. I want to say that, basically, my program is verbatim, to the letter, what was in my campaign brochure. I wrote this brochure in January of 1977 and I meant every word of it. To me it is a binding contract. It is a solemn commitment to the people of Alabama and of course I ask for your patience and your support in making it a reality.

I would like to go down it page by page and talk to those points that would be the backbone and chief interest of our administration.

I said it's time we had a government that is economical instead of wasteful and I mean that. Now what do we mean when we say that. Well, we are talking about reorganization or restructuring state government and I have a book here written by a committee on state government reorganization for the State of Alabama. It's got 500 pages in it and it was, I'm sure, put together by very brilliant people and consultants and folks that have a lot more education than I've got. But I'm not going to insult your intelligence by standing up here and asking you to support a reorganization of a \$3 billion operation that you own simply by showing you a book.

I prefer to take the course that as we are putting our cabinet together, we are bringing in a skeleton crew and doubling up and tripling up to help give us the edge a little bit. And we are going to make a lot of mistakes. I want you to know that there will be mistakes from the head and not from the heart.

Let us put together some operating procedures and test them for 6 months. Let us test them for a year. Let us, when we come to you to ask your blessings, be able to say to the legislators of this state: Ladies and gentlemen, here is a year of solid performance at "x" number of dollars. Here are the services we rendered and we think we ought to ask for your legislative approval so that we can start to reorganize a little bit in this way. That would be our approach to coming to you with cost saving measures.

Now I've got another book here, and it talks about the Governor's Cost Control Survey. I went up to Chicago a couple of weeks ago and talked with consultants who write all about that task force and a lot of good citizens around the state did a lot of good work here. This report from the Chicago consultants says that we can save 100 million dollars and that we've implemented some 40-odd million dollars, but I'm not sure I accept that. Our approach will be that we will take their good information and we'll designate a person, and we have Mr. Reuben Finney, and he is going to be in my cabinet and head up this task force. Now, Reuben went to Auburn as I did and the only difference between my Cousin Reub and me is that when I got through I had made one "B" and the rest of it was

“C’s” and “D’s” and Cousin Reub had made one “B” and the rest of it was “A’s”. Following that he had an outstanding record with a large commercial firm in Birmingham in the business world and what we are going to do is get Mrs. Annie Laurie Gunter to set us up some accounts over in the Treasury and as this task force moves to implement these economies we want the money to go into those special accounts because I don’t want to show you any more blue ribbon reports, I want to show you cash in the bank where we can say to you: Here is the cash, now reappropriate it like you think it ought to be reallocated. To me, that is productivity and that is performance and anything less than that is sheer nonsense. That is the way we will work.

I made the statement that I thought certain aspects of our tax laws were wrong and those two tax laws that I dislike, that I think are a disgrace to this state, are the sales tax on food and the sales tax on prescription drugs and medicines. The reasons I think they are wrong is that they hurt those least able to pay and as we get into these savings and we evaluate our current tax structure to try to figure out really what Amendment One means in terms of revenue to this state and the constitutional challenges it must face, we’ll come back to you with a tax package we think is right and is fair. We want to involve you in the investigation, the work, all along, but everyday it will cross my mind when I get up in the morning and when I go to bed at night that we have not yet eliminated the sales tax on food and drugs and I want to see that happen as soon as we can possibly bring it about.

You’ve all read in the paper about Alabama Power Company. There isn’t a person in this room who doesn’t know who that is, I know. And I made the statement in my brochure that it’s time that we found some real answers to the rising cost of electricity in Alabama. I don’t have a magic wand and everybody in this state and in this room who is honest with themselves knows that there is an energy crisis that we are facing.

Also, we know the hardships that high electric rates place on our people and we have a very dangerous phenomenon developing here. The credibility gap between those that generate power and the public grows wider and wider. On one hand, we jeopardize the economic future of Alabama and that is not good. The only answer is a strong, well staffed Public Service Commission that understands the workings of the power company like the palm of their hand. And I say to the commissioners that they have got my support and I’ll ask them and you for the support as well to design a Public Service Commission that can determine what it ought to cost to generate and deliver power, can fathom the purchasing procedures of a

billion dollar a year operation, so that we can say to the power company in all fairness to them: Present us a profit plan in June for what you want next year and then let us know in advance if we are going to have cost increases and labor contract negotiations or rising fuel costs, and let's monitor how much hydro-power is used in this state every year, how much coal generated power, how much oil generated power and how much nuclear generated power. And let's understand this—that balance sheets are not that complicated. Nobody's. And anytime someone tells this body that it can't understand the figures, that they are too complex, you button up your back hip pocket.

The Public Service Commission, once they know their business and have done their homework, will stand up and tell the people of Alabama what is right and what is fair for consumer and power company alike. That is our ultimate goal.

It's time to give our children a decent education before we hand them a diploma. I mentioned illiteracy yesterday because if we could improve by about 15 or 20 percent the literacy level in Alabama we would unleash creative strengths and energies the like of which you have never seen before.

I'll also tell you I'm not an educator but I want to set forth some concepts that we are going to live by. You hear a lot about teacher testing and pupil testing. There are three elements that I'm interested in out in our schools where the action is. One is the school board, and another one is the superintendent and the principal. That is management. And the other is the classroom teachers. Now I put my finger primarily on the school boards, management. I think the great majority of teachers in Alabama are probably competent and dedicated and I think they deserve the highest respect and the greatest esteem from all of us. Those that are not we need to get away from our children and I'm not so sure that if we got the right management in every school that that could not be done.

I asked Dr. Teague, and we've talked about this: The process has been set up where I'm the chairman of the state school board. I have never heard of blaming the loss of a war on the soldiers before. We are responsible, myself, the state school board, local school boards and administrators. It is up to us to get the job done.

Now I'd like to talk about a new constitution. I believe we need a new constitution for several reasons. First, we need to give our local governments the flexibility to deal with local problems. And we can do this by granting them Home Rule.

Second, by granting Home Rule to local government, we can enable the Legislature to deal more effectively not only with

current problems but also with future and unforeseen needs.

Third, by including the initiative, referendum and recall provision in a new constitution, we can provide the good people of Alabama with a direct means of voicing their opinions in state and local affairs. These provisions would give the grass roots government to the people of Alabama. They have a good record in other states and I think that speaks well of the collective wisdom of the people. I beg your close consideration of these provisions.

And last, just general housecleaning. We've got a lot of material in the present Constitution that is either unconstitutional, outdated or irrelevant. We need to get it out of there. We need just a good document that sets forth the basic principles that this country was founded upon.

We have a volunteer group called a Governors Working Party for a New Constitution and there has been some misunderstanding about that. I would like to explain it. It is made up of men and women, seven, eight or twelve of them leaders in the work of the 1969 Constitutional Revision Commission. Most of them are lawyers represented by the leadership of these houses and as you go in to discuss point by point the new Constitution, we've got to have some folks that can put it in words, get it framed, keep it moving. That is the only reason for the Governor's Working Party. A new Constitution has got to come from you, from your intuition, from your heart. I hope we can keep it moving along. If you say, "This is all right", we'll put it down and move on. We are not trying to write a new Constitution without input. What we want to do is set the framework and structure a working arrangement that will give you all the tools that you need to do the research, the thinking, to give you the alternatives.

I think we need a new Constitution, Ladies and Gentlemen.

I have a proclamation setting forth two requests that I would like to make to this body. First, legislation to postpone the convening of a regular session of the legislature of Alabama from February 6, 1979 to April 17, 1979. The primary reason for that is to give us an opportunity to get the budget ready for you. Second, a resolution to authorize the appointment of a joint committee of the two houses of the Legislature for the purpose of studying revision of the Constitution of Alabama of 1901. That sets forth the machinery to consider a new Constitution.

Most of you have read in the newspaper about our appointments. I would like to run down them very quickly. Dean James E. Foy, Executive Secretary; Mr. Mike Waters, Legal Advisor; Jon Ham, Press Secretary, Hal Sumrall is going to handle

appointments and let me say something about appointments. The people we will appoint come from somebody's district and if you all don't object, we are going to seek your advice so you won't be surprised when you read about it in the newspapers.

You have been very kind to Mr. Dick Forster, who is going to be liaison with the Senate, and he did, I think, a tremendous job in handling the ten thousand details of the inauguration, in which you participated, and for which I am grateful. Mr. Don Bryan who will be Dick's counterpart in the House; Mr. Jim Littleton, human resources; Dr. Bob Lager, advisor for education; Capt. Ron Dunson, in charge of security and who will be traveling with me a good bit; Mr. Reuben Finney I've already mentioned; Mr. Tom Ventress, Acting Director of Finance, to give us a base, somebody who has seen all aspects of the department and who can save us countless weeks and months by sharing what is going on, what is being done, and we are grateful to him for doing that.

And let me explain something. You know I am going to act as my own Finance Director. There is a reason for it. Right now, every department in this state is coming to the executive branch for their budgets and they bring in five or six or seven or as many as ten personnel from various departments. I've got great hopes, and great expectations and anticipations from the innovation that we are going to get from the Alabama State Employees. I know that once they fully understand that we are looking to reward one thing, competency, that they could disagree with us, say what is on their mind and it would be appreciated. During the next four years, in promoting Alabama State employees, you can forget that there ever has been any politics coming into play in giving to or withholding from a good man or a good woman any promotion that they deserved.

And I have to get that point across and I thought that one of the best ways to do it and to familiarize myself with the operations of your government is to serve as Finance Director. That fits me right into the back of the plant. I mentioned Dr. Rainer—he is a big man and also in addition to giving him the Highway Department, we've got the Bureau of Highway and Traffic Safety for him and we'll probably ask that Aeronautics be put there, too. Again we are hoping to find better ways, more economical ways of running your government.

General Henry Cobb, our Adjutant General, is here tonight and we are going to load him up, too. We will try putting Civil Defense under him and see how that works.

You know about Mr. Bob Hope down at the State Docks, and we

are pleased with that. There is not a job on the docks that he hasn't done in his lifetime. And I think I have mentioned Mayor Bobby Davis at ADO.

In the Department of Revenue, I've ask Mr. Ralph Eagerton to stay on to be acting director for a month or so and have done the same in other departments where we found very capable ranking merit employees, such as Mr. Whittle in Consumer Protection and Mr. Farquhar at the Commission on Aging. But I think for the first month for our shakedown cruise, the ship of state is fairly well manned.

I want to thank you for the time that you have given me this evening and I've expressed to you before on a number of occasions, how I view State Legislatures. The historical sense of duty that is here, the fact that you are the first legislative body in the mainstream politics in America. I've often reminded you that these bodies about four decades ago elected our U. S. Senators.

I will watch you with great respect, great respect for you as individuals and as a body. You'll never see the executive branch acting any other way. We may disagree many times, and if we do I want you to come into my office and tell me what's on your mind and I want you to say when you feel like it, "Governor, you're wrong". And if you say, "Fob, you're wrong," I'll probably realize quicker that you're talking to me. And I mean that. No individual here has ever anything to fear from me as far as utilizing the press in the wrong way, because when you boil it down, we're going to make it together or we aren't going to make it.

In closing, I would like to leave you with one thought. There is a special bond between you and I, very special, and it's a bond different from any relationship that you or I have with anyone who walks the halls of this Capitol. On Capitol Hill in Montgomery, Alabama, you and I alone were elected by the people. That does not mean that I do not have respect for the various good and great people who come here, but in these halls, this is our house and we were elected to give to the people of Alabama the best within our minds and the best within our hearts. Ladies and Gentlemen, I submit to you that within this house we are blood brothers and sisters and I will live every day of my term with that in mind.

I thank you very much.

ALABAMA LAWS
And Joint Resolutions
ORGANIZATIONAL SESSION 1979

Act No. 79-1

H.J.R. 9—Harrison

HOUSE JOINT RESOLUTION

TO PROVIDE ADDITIONAL PER DIEM EXPENSE ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That each member of the legislature shall be entitled to and shall be paid an additional twenty-five dollars per diem for expenses incurred in the performance of his duties for the duration of any regular or special session of the legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the legislature.

RESOLVED FURTHER, That each member of the Legislature shall be allowed an additional two hundred dollars a month for expenses incurred in the performance of his duties, to be paid at the end of each month during his term.

RESOLVED FURTHER, That this order shall take effect upon approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution.

Approved January 10, 1979.

Time: 5:05 P.M.

Act No. 79-2

H.J.R. 5—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of five, consisting of two members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be named to wait upon the Governor of Alabama and inform him of the organization of the Legislature, and its readiness to transmit business.

Approved January 12, 1979.

Time: 5:45 P.M.

Act No. 79-3

H.J.R. 7—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the acts and journals of this organizational session be bound with the regular session or any special sessions in 1979.

Approved January 12, 1979.

Time: 5:45 P.M.

Act No. 79-4

H.J.R. 8—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Wednesday, January 10, 1979, at 11:00 A.M.

AND BE IT FURTHER RESOLVED that the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 11:15 A.M. January 10, 1979, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 7, 1978, as required by Section 115 of the Constitution of Alabama.

Approved January 12, 1979.

Time: 5:46 P.M.

Act No. 79-5

S.J.R. 1—Mr. McDonald

CREATING A LEGISLATIVE PARKING COMMITTEE

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That there is hereby created a joint committee to work with the Chief of Services, Department of Finance, in assigning parking places to members of the Legislature. Said committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Presiding Officer of the Senate.

Approved January 12, 1979.

Time: 5:46 P.M.

Act No. 79-6

H.J.R. 10—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a Joint Session of the House and Senate be held at 6:30 P.M. on January 16, 1979, for the purpose of hearing a message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House be named by the Speaker of the House and a committee of two from the Senate be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved January 12, 1979.

Time: 5:45 P.M.

Act No. 79-7 S.J.R. 13—Mssrs. St. John, Pearson and Teague

SENATE JOINT RESOLUTION

TO PROVIDE ADDITIONAL PER DIEM EXPENSES ALLOWANCES AND TO CREATE A COMPENSATION STUDY COMMISSION TO STUDY LEGISLATIVE EXPENSES AND MAKE RECOMMENDATIONS TO THE LEGISLATURE FOR EXPENSE ALLOWANCES BY THE FIFTH DAY OF THE REGULAR SESSION OF 1979.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 1, HJR 9 approved January 10, 1979, Organizational Session 1979, entitled "House Joint Resolution, TO PROVIDE ADDITIONAL PER DIEM EXPENSES ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE," is expressly repealed.

BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be paid an additional fifteen dollars per diem for expenses incurred in the performance of his duties for the duration of any regular or special session of the

legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the legislature.

RESOLVED FURTHER, That each member of the Legislature shall be allowed an additional one hundred dollars a month for expenses incurred in the performance of his duties, to be paid at the end of each month during his term.

AND FURTHER RESOLVE, That there is hereby created an independent Compensation Study Commission to be composed of seven non-government citizens of Alabama, three members being appointed by the Governor, two members by the Chief Justice of the Alabama Supreme Court and two members by the Alabama Attorney General.

Said committee shall elect from its membership a chairman. Said committee shall study the question of legislative expense allowance including all reasonable and necessary and proper expenses incurred in connection with food, lodging and travel, expenses such as district offices, and any other reasonable expenses, and, after conducting said study and after having made comparisons with regard to expense allocations of legislatures in the several states, made recommendations to the legislature by the fifth day of the 1979 Regular Session as to what is reasonable and proper in 1979.

The legislature will vote by recorded vote to accept or reject the recommendations of the committee which shall be submitted by resolution. If accepted, the recommendations will be the new allocation for expenses; if rejected, the then existing pay and expenses will continue as presently in force.

Members of the Compensation Study Commission shall receive the same pay and allowances as a member of the Legislature for each day they meet. Clerical assistance to carry out the provisions of this act shall be furnished said study commission by the Clerk of the House of Representatives and the Secretary of the Senate.

RESOLVED FURTHER, That this order will take effect upon approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution.

Approved January 17, 1979.

Time: 5:30 P.M.

Pearson, Mitchem, St. John, White,
deGraffenried, Teague, Holmes, Cook,
Callahan, Denton, Glass, Taylor, Harrison,
Parsons, Lemaster, Gullledge, Miller and Hall

SENATE JOINT RESOLUTION

COMMENDING THE REPORT OF THE ALABAMA
FORESTRY STUDY COMMITTEE TO THE GOVERNOR OF
ALABAMA AND URGING PRIORITY ACTION ON ITS FIRE
CONTROL FUNDING RECOMMENDATIONS.

We have received the preliminary report of the Forestry Study Committee which was established by Act 515 of the 1978 Regular Session of the Alabama Legislature. The full report is to be transmitted from Study Committee Chairman, Representative John McMillan, by January 15, 1979.

BE IT RESOLVED BY THE SENATE OF THE
LEGISLATURE OF ALABAMA IN ORGANIZATIONAL
SESSION, That the findings of the Forestry Study Committee are commended to Governor Fob James for evaluation and appropriate action. We urge specifically that utmost consideration be given to the number one priority item in the preliminary report dealing with adequate funding for the control of wildfires in this State; and that provisions for adequate fire protection be included in the forthcoming budget.

Approved January 23, 1979.

Time: 4:00 P.M.

Act No. 79-9

S.J.R. 9—Mr. Goodwin

SENATE JOINT RESOLUTION

NAMING THE BYPASS FROM U.S. HIGHWAY 80 EAST
TO ALABAMA HIGHWAY 14 AT SELMA, ALABAMA THE
"CECIL JACKSON, JR., BYPASS."

WHEREAS, Cecil C. Jackson, Jr., born September 23, 1933, was a native of Selma, Dallas County, Alabama, and was a lifelong resident of that city with the exception of the years 1963 to 1969; and

WHEREAS, Cecil Jackson was outstanding high school athlete until, following his junior year, he was stricken with polio; he went on to attend the University of Alabama where he served as President of the Student Body and from which institution he was awarded a B.S. Degree in 1956 and his LL.B. Degree in 1958; he

then returned to Selma to enter the practice of Law; and

WHEREAS, in 1963, he was appointed Legal Advisor to Governor George C. Wallace, serving in that capacity until 1964 at which time he was named Executive Secretary to the Governor; he also served in this capacity under Governor Lurleen Wallace until her death in 1968; and

WHEREAS, Cecil Jackson was executive director of Governor George Wallace's 1968 Presidential Campaign; he most notably coordinated the unprecedented feat of achieving ballot position by Governor Wallace in all fifty states as an Independent or third party candidate, the first and only time to date this has ever been accomplished; and

WHEREAS, he returned to Selma in 1969 to resume the practice of Law and to remain in his beloved home town until his untimely death in the Fall of 1978; and

WHEREAS, Cecil Jackson was a man of deeds; accomplishments were many and outstanding for one so young, far exceeding those achieved by countless others granted both long life and sound bodies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in commemoration and appreciation of a fruitful life, this body hereby names and designates the bypass from U.S. Highway East to Alabama Highway 14, the "Cecil Jackson, Jr., Bypass."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said bypass as the "Cecil Jackson, Jr., Bypass."

RESOLVED FURTHER, That copies of this resolution be provided for his wife, Mrs. Martha C. Jackson, for their children, Beth, Walton and Celia, and for his parents, Mr. and Mrs. Cecil Jackson, Sr., as a token of this commemorative and heartfelt designation.

Approved January 23, 1979.

Time: 4:00 P.M.

Act No. 79-10

S.J.R. 10—Mr. Goodwin

SENATE JOINT RESOLUTION

NAMING THE BRIDGE ON THE SELMA, ALABAMA
BYPASS FROM U.S. HIGHWAY EAST TO ALABAMA

HIGHWAY 14, THE "JOHN T. MORGAN BRIDGE."

WHEREAS, John T. Morgan, born June 20, 1824, though a native of Athens, Tennessee, resided and was educated in Alabama from the early age of nine; he studied Law, was admitted to the Bar in 1845, and began the practice of his profession in Selma, Alabama; and

WHEREAS, John T. Morgan, a delegate in 1861 from Dallas County to the Alabama State Convention which passed the ordinance of secession, joined the Confederate Army in May, 1861, as a private, to rise through the ranks to that of Brigadier-General; and

WHEREAS, elected to the United States Senate to succeed Senator George Goldthwaite, he took his seat on March 5, 1877, and was re-elected in 1882, in 1888 and in 1894; he then was nominated by caucus of the Democratic, Republican and Populist parties and in November, 1900, was chosen by unanimous vote of the General Assembly of Alabama for a fifth Senate term and was unanimously re-elected by the Legislature for the term ending March 7, 1913; Senator Morgan died in Washington City on June 11, 1907 and is interred in Live Oak Cemetery, Selma, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in memory and honor of John T. Morgan, distinguished United States Senator from Selma, Alabama, this body hereby names the bridge on the Selma, Alabama Bypass from U.S. Highway 80 East to Alabama Highway 14, the "John T. Morgan Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said bridge as the "John T. Morgan Bridge."

Approved January 23, 1979.

Time: 4:05 P.M.

Act No. 79-11

H.J.R. 12—Holmes

HOUSE JOINT RESOLUTION

COMMENDING DR. MOSES W. JONES, PROMINENT MONTGOMERY PHYSICIAN.

WHEREAS, Dr. Moses W. Jones has been a practicing physician in Montgomery, Alabama for many years, ministering to

the needs of his patients with understanding and great skill; and

WHEREAS, in addition to the tremendous responsibilities associated with his practice of medicine, Dr. Jones also has been noticeably active in many other areas; he served as Exalted Ruler, Southern Pride Lodge Number 431 of the Elks Lodge for a number of years, and also as President of the Exalted Rulers Association of Elks in the United States, as well as having been a former member of the Montgomery Housing Authority; and

WHEREAS, Dr. Jones further is an active participant in many other areas of the civic, educational and religious endeavors of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend most highly Dr. Moses W. Jones, prominent Montgomery physician, for his many accomplishments and contributions in the field of medicine and of community service.

BE IT FURTHER RESOLVED, That Dr. Jones be presented with a copy of this resolution as a token of our appreciation and esteem.

Approved January 23, 1979.

Time: 4:05 P.M.

Act No. 79-12

H.J.R. 13—Holmes

HOUSE JOINT RESOLUTION

WHEREAS, the Reverend Willie Williams serves as the active pastor of the North Montgomery Baptist Church in Montgomery, Alabama; and

WHEREAS, the Reverend Williams has continuously displayed a selfless devotion to others in serving the needs of his church and its membership; and

WHEREAS, further, he has contributed greatly in all areas of the religious, civic and educational affairs of his community,

undertaking untold responsibilities in the worthy projects and endeavors of which he has been a part; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Reverend Willie Williams, pastor of the North Montgomery Baptist Church, for his devotion to his church and to his community, and direct that he receive a copy of this resolution as evidence of our esteem.

Approved January 23, 1979.

Time: 4:05 P.M.

Act No. 79-13 H.J.R. 17—Willis, Crow, Blake, Campbell, Dial, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cooper, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson, (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Charpe, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING COACH JIM FULLER OF JACKSONVILLE STATE UNIVERSITY.

WHEREAS, the Legislature of Alabama is pleased to note that Jim Fuller of Jacksonville State University has been named Gulf South Conference Coach of the Year for 1978, a title he was awarded also in 1977; and

WHEREAS, Jacksonville State University's young head coach earned this outstanding honor by leading his team both to a Gulf South Conference title and to participation in the national playoffs for the second straight year; and

WHEREAS, prior to being named head coach, Fuller served as offensive line coach at Jacksonville State and also coached one year at East Carolina; and

WHEREAS, Coach Fuller in the past two years has led the Gamecocks to 11-3 and 7-3 seasons, losing only once to a conference team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Jim Fuller of Jacksonville State University on his selection once again as the Gulf South Conference Coach of the Year.

BE IT FURTHER RESOLVED, That Coach Fuller receive a copy of this resolution that he may know of our deep admiration for his outstanding accomplishments as head coach, Jacksonville State University.

Approved January 23, 1979.

Time: 4:08 P.M.

Act No. 79-14 H.J.R. 14—Smith (C), Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cooper, Cosby,

Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson, (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Sharpe, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE ALABAMA HIGHWAY DEPARTMENT, RECIPIENT OF THE NATIONAL KEEP AMERICA BEAUTIFUL AWARD.

WHEREAS, the Legislature of Alabama is both pleased and proud to commend the Alabama Highway Department on their second consecutive Keep America Beautiful first-place award for litter prevention programs in competition with state highway and transportation divisions nationwide; and

WHEREAS, in the contest sponsored by the Federal Highway Administration of the U. S. Department of Transportation and Keep America Beautiful, Incorporated, the Alabama State Highway Department's second award in a row stands as evidence of their pride of state and nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we once again most heartily congratulate and commend the Alabama Highway Department for this outstanding accomplishment and direct that a copy of this resolution be provided for the department as a token of our appreciation and esteem.

Approved January 23, 1979.

Time: 4:05 P.M.

Act No. 79-15 H.J.R. 18—Dial, Shoemaker, Ford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cooper, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Sharpe, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING GADSDEN NATIVE DANNY FORD.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama notes the recent appointment of Gadsden, Alabama, native, Danny Ford, as Head Coach, Clemson University; and

WHEREAS, Coach Ford is a graduate of the University of Alabama where he lettered three years as an offensive tackle and tight end, then served as a graduate assistant to Coach Paul Bryant while working on his master's degree, and as a fulltime assistant from 1972 to 1973; and

WHEREAS, his association with Clemson began as an assistant Coach to be later named and serve as assistant head coach for two years under Charlie Pell; and

WHEREAS, Danny Ford, as a player for the 'Crimson Tide, participated in four bowl games; as a coach, he has been a part of

five bowl games which have included the Orange, Sugar, Cotton and Gator Bowls; and

WHEREAS, Coach Ford upon assuming his new duties as Clemson's Head Coach led his Tigers to a decisive victory over the Ohio State Buckeyes, 17-15, in the Gator Bowl played on December 29, 1978; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and commend Coach Danny Ford on his many outstanding accomplishments and on his most recent and prestigious success as Head Coach, Clemson University.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Ford that he may know of our warm congratulations and of our esteem for his outstanding accomplishments.

Approved January 23, 1979.

Time: 4:08 P.M.

Act No. 79-16 H.J.R. 19—Johnson (Roy), Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cooper, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Sharpe, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout,

Trammell, Tucker, Turner,
Turnham, Venable, Waggoner,
Ward, Warren, Whatley, Williams,
Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING THE ALABAMA CRIMSON TIDE
ON THEIR SUGAR BOWL VICTORY AND THEIR 1978
COLLEGE FOOTBALL NATIONAL CHAMPIONSHIP.

WHEREAS, On January 1, 1979, in New Orleans' fabulous Superdome, a capacity crowd roared, and millions shared their excitement through television, as Alabama's Crimson Tide claimed victory in the forty-fifth Sugar Bowl Classic; and

WHEREAS, a Tide's determined offense put a winning fourteen points on the board while piling up impressive yardage against top-ranked Penn State, a team which had yielded only miserly in regular season play; and

WHEREAS, Alabama's superb defensive unit must be credited with inspired play as they abruptly called a halt to Penn State's 19-game winning streak with a stunning display of courage and determination long to be remembered; and

WHEREAS, the now-famous goal line stand, with the Tide twice stopping the Nittany Lions with just inches to go, spelled "Happy New Year" for Bama's frenzied fans and made believers out of millions from coast to coast; and

WHEREAS, "Bama's Number One" has been three times enforced with national championship ranking bestowed by Associated Press International, by the Football Hall of Fame Association and by the Football Writers Association as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we proudly congratulate Coach Paul Bryant and the Alabama Crimson Tide on both their New Year's Sugar Bowl win and on their 1978 College Football National Championship.

BE IT FURTHER RESOLVED, That Coach Bryant and his staff and the Crimson Tide of Alabama receive copies of this resolution that they may know of our deep pride and pleasure in their outstanding accomplishments, and of our appreciation for the fame and honor they have brought to the entire State of Alabama.

Approved January 23, 1979.

Time: 4:10 P.M.

Act No. 79-17 H.J.R. 22—Dixon, Langford, Wyatt, McKee,
Holmes, Grouby

HOUSE JOINT RESOLUTION

CONGRATULATING THE 1978 STATE 4A FOOTBALL
CHAMPIONS, MONTGOMERY'S JEFFERSON DAVIS
VOLUNTEERS.

WHEREAS, the Alabama Legislature is pleased to note the remarkable season and capture of the 1978 State 4A Championship by Jefferson Davis High School of Montgomery, Alabama; and

WHEREAS, ending the season with a perfect 14-0 record, the Volunteers claimed their crown with explosive victories over both West End and Berry of Birmingham and Sidney Lanier of Montgomery in the playoffs followed by their impressive and decisive 21-7 win over Vestavia Hills in the finals; and

WHEREAS, JD's '78 championship now brings Montgomery back to a tie for state 4A titles with a total of four for the Capitol City preps; and

WHEREAS, Head Coach Billing Livings and his talented assistants, Coaches Al Abernathy, Charles Lee, Charlie Williamson and Bobby Wilson, are to be most highly commended for directing their team to a tremendous season which saw the Vols yield a mere 6.4 yards per game; and

WHEREAS, with every game played in the spirit and tradition of good sportsmanship and fair play, each member of the team is to be highly praised for his integral part in achieving this coveted goal, even enviable in light of the formidable opposition faced on the gridiron by the Volunteers all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Volunteers of Montgomery's Jefferson Davis High School, both on their outstanding perfect season for the year and on their 1978 State 4A Football Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Head Coach Billy Livings on behalf of his entire coaching staff and championship team, with a copy also provided for Principal Thomas L. Head to be used for appropriate school display.

Approved January 23, 1979.

Time: 4:10 P.M.

Act No. 79-18

S.J.R. 11—Mr. Callahan

SENATE JOINT RESOLUTION

VOICING THE APPRECIATION OF THE LEGISLATURE
TO THE HONORABLE GEORGE D. H. McMILLAN, JR.

WHEREAS, the hospitality extended by Lieutenant Governor George McMillan to the members of the Alabama Legislature and to his supporters and many friends was accepted by more than 2,000 guests on the morning of January 15, Inauguration Day, 1979; and

WHEREAS, we are indeed grateful for the thoughtful generosity of Governor McMillan and his lovely wife, Ann Dial, and appreciative also of their choice of an Inaugural breakfast as a most appropriate way to begin such a happy occasion, in prayerful fellowship and in optimism of four great years for our State and all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in acknowledgment of warm and gracious generosity, and in gratitude for such meaningful hospitality, we hereby express our deep appreciation to Lieutenant Governor and Mrs. George McMillan.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to our new Lieutenant Governor and his family as but a token of our appreciation and esteem.

Approved January 23, 1979.

Time: 4:10 P.M.

Act No. 79-19 S.J.R. 12—Messrs. Callahan, Bailey, Barron,
Britnell, Clemon, Cook,
deGraffenried, Denton, Figures,
Glass, Goodwin, Gullledge, Hall,
Harrison, Higginbotham, Holmes,
Keener, Kirkland, Lemaster, Little,
McDonald, Martin, Miller, Mitchem,
Parsons, Pearson, Proctor,
Robertson, Smith, St. John, Taylor,
Teague, Vacca, Weeks, White and Lt.
-Governor McMillan.

SENATE JOINT RESOLUTION

**COMMENDING INAUGURAL COMMITTEE CHAIR—
MAN, DICK FORSTER OF MONTGOMERY.**

WHEREAS, Mr. Richard A. Forster of Montgomery, who served as central Alabama campaign coordinator for Governor Fob James, was given the tremendous task of coordinating and directing the 1979 Inaugural festivities; and

WHEREAS, as committee chairman, Mr. Forster is to be most highly praised for his untiring efforts which resulted in three fun-filled days for the thousands upon thousands of Alabamians who converged on our Capitol City to enjoy and participate in the many activities surrounding this gala event; and

WHEREAS, from Open House on Sunday until “after the ball was over” on Monday night, they did indeed enjoy and celebrate this “new beginning” for our state and its people; and

WHEREAS, to truly appreciate the enormous difficulties associated with such an assignment, one has only to imagine the countless details which must be anticipated and planned for if an event of these proportions is to run smoothly for both participants and spectators alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Inaugural Committee Chairman, Dick Forster, and all members of his committee, for the qualified success of Alabama’s 1979 Inaugural festivities.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Forster that he may know of our deep appreciation of his obvious ability as manifested by the phenomenal results of his labors.

Approved January 24, 1979.

Time: 4:10 P.M.

Act No. 79-20

S.J.R. 4—Mr. McDonald

SENATE JOINT RESOLUTION

**ADOPTING JOINT RULES OF THE TWO HOUSES OF
THE LEGISLATURE OF ALABAMA FOR 1979.**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following be adopted as the Joint Rules of this, the Organizational Session, the Regular Session and all extraordinary

sessions of this Legislature:

**JOINT RULES OF THE TWO HOUSES OF
THE LEGISLATURE OF ALABAMA
1979**

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office in aid of the reference work required by law to be done for members of the

the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless: (1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8-½" by 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors in the balconies of each house are prohibited from carrying a firearm or

any other thing that might be construed to be a lethal weapon while in the House or Senate Chambers or any place on the second or third floor of the Capitol. This rule will not apply to employees of the two houses who are security officers.

RULES RELATING TO LOBBYING

15. **Those Required to Register.** All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either house of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

Any person, or the head of any firm, corporation or association employing a registered lobbyist must certify under oath to the Clerk of the House and the Secretary of the Senate, respectively, the name and address of all persons that they have employed to represent them as lobbyists with the Alabama Legislature. No person shall become registered as a lobbyist to represent any person, firm, corporation or association unless he is so certified by the person, firm, corporation or association as one of their lobbyists.

Whenever any person, firm, corporation or association discharges a lobbyist, or he leaves their employment for any reason, such person, or the head of any firm, corporation or association shall immediately so certify said fact to the Clerk of the House and the Secretary of the Senate, respectively.

16. **Method of Registration.** At each regular or special session of the Legislature prior to engaging in the activities described in Rule 15 above, every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state under oath his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interests, and the duration of his agency.

The Secretary and the Clerk, respectively, shall publish in the journal of each regular session, in tabulation form, a list of those filing the registration statements under this rule together with the information contained therein.

No registered lobbyist shall be permitted upon the floor of either house while it is in session.

17. **Registration Exception.** Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

18. **Obligations of Lobbyist.** A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

19. **Rules Committee Advisory Opinions.** A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

The Joint Committee on Rules shall render advisory opinions to any lobbyist who seeks advice as to whether or not the facts in a particular case would constitute a violation of these rules. All opinions shall delete names and be numbered, dated, and published in the journals of the respective houses.

20. **Compilation of Opinions; Lists of Lobbyists.** The Secretary of the Senate and the Clerk of the House, respectively, shall keep a compilation of all advisory opinions of the Joint Committee on Rules as well as a current list of registered lobbyists which shall be open to public inspection.

21. Penalties for Violations. Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective house upon recommendation of the Committee on Rules. The Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alledged to have violated this rule and granting such person an opportunity to appear at the hearing.

22. Secretary to Provide Forms. The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

23. Committees to be Diligent. Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

Approved January 23, 1979.

Time: 4:10 P.M.

Act No. 79-21

S. 2—St. John

AN ACT

To amend Section 29-4-44, Code of Alabama 1975, which provides for administrative assistants and secretarial employees for the presiding officers of each house, so as to authorize an additional secretarial employee and to limit the salary of the administrative assistant to a sum not more than that of executive assistants in the Governor's office.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-4-44, Code of Alabama 1975, is hereby amended to read as follows:

“§ 29-4-44. In addition to those employees of the legislature provided in this article, the presiding officers of each of the two houses, respectively, shall be authorized to employ one administrative assistant and to fix the salary of such assistant, but such salary shall not exceed the maximum amount of \$22,000. Also, the presiding officers of each of the two houses, respectively, shall be authorized to employ three secretarial employees and to fix the rate of compensation for such employees, but such rate of

compensation shall not exceed the maximum amount as has heretofore or as may hereafter be allowed by law to be paid full-time supervisory employees. The compensation of such administrative assistants and secretarial employees for the presiding officers shall be payable as the salaries of other state employees are paid."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved January 25, 1979.

Time: 9:00 A.M.

Act No. 79-22 H. 1—Manley, Biddle, McCorquodale, Owens, Waggoner, Dial, Gafford, Smith (M), Daniels, Naramore, Pegues, Smith (C), Payne, Goodwin, Gilmer, Starkey, Cobb, Mitchell, Cosby, Cheatwood, Patton, Brakefield, Carter, Rains, Shoemaker, Johnson (R.G.), Minus, Willis, Edwards, Bennett, Campbell

AN ACT

To amend Section 29-1-4, Code of Alabama 1975, which provides for the time of meeting and the length of organizational and regular sessions, so as to alter the meeting date of the first regular session of each legislative term.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-1-4, Code of Alabama 1975, is hereby amended to read as follows:

"§ 29-1-4. The legislature shall convene on the second Tuesday in January next succeeding its election in organizational session and shall remain in session for not longer than 10 consecutive calendar days. Commencing in the year 1979, the annual sessions of the Alabama legislature shall commence on the third Tuesday in April of the first year of the term of office of the legislators, on the first Tuesday of February of the second and third years of such term and on the second Tuesday in January of the fourth year of such term. Such annual sessions shall not continue longer than 30 legislative days and 105 calendar days."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved January 25, 1979.

Time: 9:00 A.M.

Act No. 79-23

S. 1—St. John

AN ACT

To amend Section 29-1-4, Code of Alabama 1975, which provides for the time of meeting and the length of organizational and regular sessions, so as to alter the meeting date of the first regular session of each legislative term.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-1-4, Code of Alabama 1975, is here amended to read as follows:

“§ 29-1-4. The legislature shall convene on the second Tuesday in January next succeeding its election in organizational session and shall remain in session for not longer than 10 consecutive calendar days. Commencing in the year 1979, the annual sessions of the Alabama legislature shall commence on the third Tuesday in April of the first year of the term of office of the legislators, on the first Tuesday of February of the second and third years of such term and on the second Tuesday in January of the fourth year of such term. Such annual sessions shall not continue longer than 30 legislative days and 105 calendar days.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved January 25, 1979.

Time: 9:00 A.M.

Act No. 79-24

S.J.R. 6—McDonald

SENATE JOINT RESOLUTION

NAMING THE CLASSROOM BUILDING ON THE EAST SIDE OF THE CAMPUS OF JOHN C. CALHOUN STATE COMMUNITY COLLEGE, THE “BOB HARRIS BUILDING.”

WHEREAS, Robert H. Harris, a longtime resident of Decatur in Morgan County, has performed many distinguished services for the people of North Alabama and for our entire state as well; and

WHEREAS, Robert Harris is a graduate of Auburn University and the University of Alabama School of Law; he is a

United States Army veteran who has served as past president of the Decatur Rotary Club, the Decatur Chamber of Commerce, Morgan County Bar Association and the Morgan County United Fund; he also is a former recipient of the Distinguished Service Award from the Decatur Junior Chamber of Commerce and was selected as one of four Outstanding Young Men in Alabama by the Alabama Junior Chamber of Commerce in 1962; and

WHEREAS, Mr. Harris served in the Alabama State Senate from 1966 until 1974 during which time he was named Outstanding Freshman Senator in 1967, the Hardest Working Senator in 1969 and again in 1973, and Outstanding Senator in 1971; and

WHEREAS, as a state senator, Bob Harris rendered invaluable service to Alabama's educational community by specifically supporting and influencing the passage of capital outlay bond issuance bills and by insuring that funds were made available to Calhoun State Community College for construction; and

WHEREAS, in view of his many efforts to benefit Calhoun State Community College, it is both fitting and proper that a building be named in his honor and as a lasting reminder of his untiring efforts on behalf of our state's educational community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the classroom building located on the East side of the Campus of John C. Calhoun State Community College is hereby designated the "Bob Harris Building" in honor of Mr. Robert H. Harris.

BE IT FURTHER RESOLVED, That the proper authorities are authorized and directed to erect appropriate signs and markers so designating said building as the "Bob Harris Building."

Approved January 29, 1979

Time: 5:30 P.M.

Act No. 79-25

H. 8—Manley

AN ACT

To amend Section 34-3-16, Code of Alabama 1975, which provides for the annual meeting of the state bar and for the election of its officers so as to provide further for the election and succession of certain officers of the state bar.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-3-16, Code of Alabama 1975, is hereby

amended to read as follows:

“§ 34-3-16. There shall be an annual meeting of the lawyers of Alabama, open to all members of the state bar in good standing, to be held at such place and time as the board of commissioners shall designate. At such annual meeting a president and a president-elect of the state bar shall be elected by a majority vote, by ballot, by members of the state bar registered at the convention, present and voting. The election must be had only upon nominations made by members of the state bar from the floor in said annual session of the state bar. At the same place, and immediately following the adjournment of the annual meeting of the state bar, the board of commissioners shall hold its annual meeting and elect a vice president who shall be a current member of the board of commissioners. The members so elected president and president-elect, respectively, shall serve ex officio as president and president-elect, respectively, of the board of commissioners, and shall discharge the duties imposed in this chapter on the president and president-elect, respectively; they shall be reimbursed for their expense as are elected members of the board, and may attend at all meetings of the board, including executive sessions thereof; but shall not vote as members of the board, unless they are members by election thereto under the provisions of Section 34-3-41, except that the president, the president-elect, or the vice-president, if presiding, may vote in case of a tie. The president and president-elect shall assume office at the annual meeting at which each is elected, and each shall hold office until a successor is elected at the next annual meeting of the state bar.

The president-elect shall succeed to the presidency at the next annual meeting. If there is no president-elect, a president shall also be elected at the same time as the president-elect. The president shall not be eligible to serve successive terms. The vice-president shall assume office at the annual meeting and shall hold office until his successor is elected by the board of commissioners at the next annual meeting of the board of commissioners. The president shall preside at all meetings of the board and of the state bar. In the absence or disqualification of the president at any meeting of the board or the state bar, his duties shall be discharged by the vice-president. In the event of the death or resignation of the president, the vice-president shall succeed to the presidency, and shall serve out the unexpired term. In the event the vice-president shall succeed to the presidency, the board of commissioners shall elect a new vice-president for the unexpired term in the manner provided for herein. At its annual meeting, the board of commissioners shall elect a secretary, who need not be a member of the board, and such other officers and agents as the board may deem appropriate, all of

whom shall hold office at the pleasure of the board and shall be subject to removal without cause by the board at any time. The secretary shall be the only paid officer of the board, and shall be paid a salary to be fixed by the board."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved January 30, 1979

Time: 5:35 P.M.

Act No. 79-26

H. 9—Manley

AN ACT

To amend Section 34-3-17 and Section 34-3-18, Code of Alabama 1975, such sections authorizing certain qualified lawyers to become members of the Alabama bar association, so as to regulate further the annual dues to be paid by such members.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-3-17, Code of Alabama 1975, is hereby amended to read as follows:

" § 34-3-17. All lawyers who are qualified to practice law in Alabama and who are not engaged in active practice because they are holding a state or federal office that precludes them from practicing law may become members of the Alabama bar association by paying directly to the secretary of such association an annual sum equal to fifty percent of the money collected by the state of Alabama from a lawyer as a privilege license tax to engage in the practice of law. Upon payment of said sum as prescribed in the preceding sentence, such persons shall be entitled to all the privileges and benefits common to other members of such association."

Section 2. Section 34-3-18, Code of Alabama 1975, is hereby amended to read as follows:

" § 34-3-18. All lawyers who are qualified to practice law in Alabama and who are not engaged in active practice may become members of the Alabama bar association by paying directly to the secretary of such association an annual sum equal to fifty percent of the money collected by the state of Alabama from a lawyer as a privilege license tax to engage in the practice of law. Upon the payment of said sum as prescribed in this section, such person shall

be entitled to all the privileges and benefits common to the other members of such association.”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved January 29, 1979

Time: 5:35 P.M.

Act No. 79-27

H. 11—Manley

AN ACT

To amend Section 40-12-49, Code of Alabama 1975, relating to the annual license tax of attorneys so as to regulate further the payment of such license tax by certain attorneys.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-12-49, Code of Alabama 1975, is hereby amended to read as follows:

“ § 40-12-49. Each attorney engaged in the practice of law shall pay an annual license tax of \$100.00 to the state, but none to the county. If such business is conducted as a firm or as a corporation in which more than one lawyer is engaged, each lawyer shall pay license tax, but no lawyer shall be required to pay a license tax until the first day of October following the expiration of two years from his admission to the bar. The funds collected for the issuance of the license tax herein levied shall constitute a separate fund to be disbursed by the comptroller on the order of the board of commissioners of the Alabama state bar. As soon after the first day of each year as practicable the state treasurer shall certify to the secretary of the board of commissioners of the Alabama state bar the names of attorneys who have paid such license fee, and the judge of probate of each county shall certify to the presiding judge of the circuit court having jurisdiction in such county the names of attorneys who have paid such license fee.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved January 29, 1979

Time: 5:35 P.M.

Act No. 79-28

H. 5—Manley, Biddle, Owens,
Naramore

AN ACT

To amend Section 41-21-1, Code of Alabama 1975, which provides for the distribution of sets of the state code, so as to provide further for the distribution to the legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-21-1, Code of Alabama 1975, is hereby amended to read as follows:

“ § 41-21-1.

“It shall be the duty of the secretary of state, on publication and delivery to the state, to transmit sets of the 1975 Code of Alabama, and supplements or replacement volumes thereof, to the following agencies, departments, institutions, bureaus, boards, commissions and offices:

“(1) One set to the law library of Congress;

“(2) One set to the custodian of the law library of the court of last resort of every state and territory for exchange upon the approval of the state law librarian of the request therefor;

“(3) One set to the library of the University of Alabama and one set to the land commissioner of the University of Alabama;

“(4) Two sets to each member of the legislature, including the lieutenant governor, for each legislative term, and to the Clerk of the House and to the Secretary of the Senate;

“(5) One set to the library of each junior college, trade school, technical college and public institution of higher education;

“(6) Ten sets to the librarian of the Supreme Court and state law library for the use of the library;

“(7) Two sets to the department of archives and history;

“(8) Four sets to the governor’s office;

“(9) Fifty-five sets to the attorney general’s office;

“(10) Eleven sets to the legislative reference service;

“(11) Four sets to the department of court management;

- “(12) Three sets to the department of court management;
- “(13) Seven sets to the department of mental health;
- “(14) Ten sets to the department of public safety;
- “(15) Two sets to the department of agriculture and industries;
- “(16) Three sets to the alcoholic beverage control board;
- “(17) Three sets to the banking department;
- “(18) Two sets to the state military department;
- “(19) Three sets to the state department of insurance;
- “(20) Five sets to the board of corrections;
- “(21) Five sets to the health department;
- “(22) Four sets to the department of industrial relations;
- “(23) Two sets to the retirement systems of Alabama;
- “(24) Six sets to the finance department;
- “(25) Four sets to the pardons and paroles board;
- “(26) Four sets to the conservation and natural resources department;
- “(27) Five sets to the highway department;
- “(28) Three sets to the department of labor;
- “(29) Five sets to the public service commission;
- “(30) Five sets to the department of pensions and security;
- “(31) Ten sets to the department of revenue;
- “(32) Five sets to the state toxicologist;
- “(33) One set to each functioning agency, department, institution, bureau, board and commission of state government not otherwise provided for by this chapter, upon application therefor to the secretary of state;
- “(34) One set each to every congressman and representative from the state of Alabama in the congress of the United States;
- “(35) One set each to every sheriff;
- “(36) One set to the commission of each county for use of said county commission and for use of the tax assessor, tax collector and other county officers to whom distribution is not otherwise

provided;

“(37) One set to the circuit court of each county and, in counties having two courthouses, one set for the office of the circuit clerk maintained in each of said courthouses;

“(38) One set to the register of the circuit court in every county and, in counties having two courthouses, one set to the office of the register maintained in each of said courthouses; provided, however, that in counties where the offices of circuit clerk and of register are held by the same person, only one set shall be provided;

“(39) One set to the clerk of the district court and juvenile court in counties where clerks offices for these courts are maintained;

“(40) One set to the probate judge of each county;

“(41) One set to every justice of the supreme court and every judge of the court of criminal appeals and one set to each law clerk or research assistant thereof;

“(42) One set each to the clerk of the supreme court, court of criminal appeals, court of civil appeals and reporter of decisions;

“(43) One set to every judge of the circuit and district courts;

“(44) One set to every district attorney and deputy district attorney;

“(45) One set to the office of the secretary of the senate for the use of the senate and one set to the office of the clerk of the house of representatives for use of the house of representatives;

“(46) One set to the mayor or other executive or presiding officer of each municipality for use of such municipality; and

“(47) Two sets to the Alabama state bar association;

“(48) Five sets to the Clerk of the House and five sets to the Secretary of the Senate.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved January 29, 1979

Time: 5:30 P.M.

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF CONSERVATION
OFFICER FRANK STEWART OF ATMORE, ALABAMA.

WHEREAS, the Legislature of Alabama has noted with a deep sense of regret the death of Conservation Officer Frank Stewart of Atmore, Escambia County, Alabama, on December 24, 1978, at the age of 44; and

WHEREAS, he has been at various times a dedicated and conscientious law enforcement officer for the City of Bay Minette, the Baldwin County Sheriff's Department, the Alabama Board of Corrections, and since March, 1972, a Conservation Enforcement Officer with the Alabama Game and Fish Division assigned to Escambia County; and

WHEREAS, Officer Stewart was noted for his great interest in wildlife conservation and his ability to constantly work many hours beyond those required in a highly professional and dedicated manner; and

WHEREAS, he was a member of the Atmore, Alabama, Presley Street Baptist Church and was active in many of the civic endeavors of his community; he will be greatly and deeply missed and mourned by all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn the death of Officer Frank Stewart, and extend our most heartfelt sympathy to his wife, Mrs. Joyce Stewart, and to his sons, Kelvin Julius and Donnie Frank, and to his daughters, Fonda Denise and Amanda.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for presentation to Officer Stewart's family that they may know of the deep sorrow we share with them in their great loss and the great loss to wildlife conservation in this state.

Approved January 30, 1979

Time: 11:30 A.M.

Act No. 79-30 H.J.R. 12—Williams, Carothers, Turnham,
Cooper, Coburn, Daniels,
McCorquodale, Starkey, Drinkard,
Blake, Minus, Grimsley, Clark,
Barton, Carter, Patton, Mitchell,
Holley, Amari, Laird, Howard,
Horn, Holmes

HOUSE JOINT RESOLUTION

COMMENDING LIEUTENANT WALTER J. SMITH
WITH THE ALABAMA DEPARTMENT OF PUBLIC
SAFETY.

WHEREAS, in admiration and esteem, the Legislature of Alabama recognizes the extraordinary accomplishments of Lieutenant Walter J. Smith, twenty-year veteran with the Alabama Department of Public Safety; and

WHEREAS, Walter J. "Joe" Smith, a native of Randolph County and longtime resident of Lee County, began his career in law enforcement as a patrolman in Centreville, later serving in this capacity in Opelika, Montgomery, Anniston and Luverne; he was promoted to Corporal in 1969 and in 1970, following a transfer to the Implied Consent Unit of the Department, was promoted to sergeant then assigned to Montgomery where he helped implement this new unit required by state law; and

WHEREAS, Joe Smith was transferred to the department's Auto Theft Unit as an investigator based in Opelika, then promoted to lieutenant with the Planning and Research Unit in Montgomery, which unit he now serves as assistant commander; and

WHEREAS, although Lieutenant Smith is to be most highly commended on his outstanding career as a law enforcement officer with the Department of Public Safety, it is with utmost esteem that this body especially recognizes his extraordinary pursuit of a higher education to better qualify himself for his duties in public service; and

WHEREAS, a veteran of the Korean Conflict, Joe Smith served four years in the United States Air Force during which time he acquired his GED high school equivalency; since that time, in addition to completing the National F.B.I. Academy course and attending numerous other in-service schools, he has earned his B.S. Degree in Criminal Justice from Troy State University, a Masters Degree in Criminal Justice Administration also from Troy State and is currently seeking his Doctorate through studies at Auburn University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the unfaltering perseverance and outstanding initiative of Lieutenant Walter J. Smith and further encourage emulation by all those who would seek to better serve our state.

BE IT FURTHER RESOLVED, That Lieutenant Smith receive a copy of this resolution as evidence of our esteem.

Approved January 30, 1979

Time: 11:30 A.M.

Act No. 79-31 H.J.R. 13--Holmes, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cooper, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Sharpe, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING COACH PAUL "BEAR" BRYANT

WHEREAS, Coach Paul "Bear" Bryant has done much to personally inspire young people across this nation to excel in life both on and off the playing field; and

WHEREAS, Coach "Bear" Bryant as coach of the University of Alabama football team, has done much to promote race relations in this state through his non-discriminatory policies on the playing field; and

WHEREAS, Coach "Bear" Bryant is one of the winningest coaches ever in college football; and

WHEREAS, Coach "Bear" Bryant is an example to all people of this state to aspire to the heights of success not only in sports, but also in other goals in life; and

WHEREAS, this body is proud to call Coach Paul "Bear" Bryant a friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does heartily commend Coach Paul "Bear" Bryant on his personal contribution in the enrichment of the lives of the citizens of this state and nation.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Paul "Bear" Bryant.

Approved January 30, 1979

Time: 11:35 A.M.

Act No. 79-32

H.J.R. 14—Holmes, Hilliard

HOUSE JOINT RESOLUTION

COMMENDING COACH GEORGE JAMES OF ALABAMA STATE UNIVERSITY.

WHEREAS, the Legislature of Alabama recognizes that George James, Head Football Coach at Alabama State University in Montgomery, is the man responsible for the highly successful 8-3 season of the Alabama State Hornets, one of the most outstanding season records among small colleges in the country; and

WHEREAS, not only did Coach James lead his players to such commendable winning season, but through perseverance and ability, placed three players in the Black College All-Star Game in the Superdome in New Orleans; and

WHEREAS, further, one member of Alabama State's team was selected to participate in Montgomery's own annual Blue-Gray Classic while many others are expected to place high in pro football drafts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and applaud the outstanding accomplishments of Coach George James of Alabama State University and we further direct that he receive a copy of this resolution noting excellence of achievement.

Approved January 30, 1979.

Time: 11:35 A.M.

Act No. 79-33

H.J.R. 15—Cates, Wyatt

HOUSE JOINT RESOLUTION

NAMING THE BRIDGE IN SOUTH CRENSHAW COUNTY, JUST SOUTH OF BRANTLEY, ALABAMA, LOCATED ON U.S. HIGHWAY 331 OVER THE CONECUH RIVER, THE "JIM FRANK WEED BRIDGE."

WHEREAS, Mr. Jim Frank Weed, who was born in 1891, is a native and lifelong resident of Crenshaw County; he has lived all his life on land homesteaded by his father, only the second generation to have farmed the acreage acquired by his father from U.S. public lands under homestead law; and

WHEREAS, primarily a farmer, he also has been engaged in the mercantile business since 1924; he further served as county commissioner from 1934 to 1946, was Mayor of Brantley from 1958 to 1962, a charter member of the Brantley Rotary Club, has been chairman of the Pensions and Security Board in Crenshaw County for more than 40 years and remains active today as a productive and contributing citizen of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in honor of Mr. Jim Frank Weed, this body hereby names and designates the bridge over the Conecuh River, on U.S. Highway 331, just south of Brantley, Alabama, in South Crenshaw County, the "Jim Frank Weed Bridge."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said bridge as the "Jim Frank Weed Bridge."

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Weed and his wife, Mrs. Nancy Taylor Weed, and their son, Taylor Weed, as a token of this honorary designation.

Approved January 30, 1979.

Time: 11:35 A.M.

Act No. 79-34

S.J.R. 2—Miller

SENATE JOINT RESOLUTION

COMMENDING THE ANDALUSIA HIGH SCHOOL BULLDOGS.

WHEREAS, it is with great pleasure that the Legislature of Alabama notes the remarkable record of the Andalusia High School football team, a 58-game winning streak in regular season play which broke the state record for all classifications; and

WHEREAS, the Bulldogs accomplished this amazing feat over a six-year period beginning in 1972, during which time they also won the State 3A Championship, back-to-back, in 1976 and 1977; and

WHEREAS, Andalusia High claimed those fifty-eight straight under Head Coach Don Sharpe and his able assistants, Coaches Felix Boswell, Gwin Burkett, Tommy Eiland and Richard Robertson; well-coached and inspired to win, the Bulldogs played every game as one with each player contributing greatly to his team's success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate with utmost commendation Coach Don Sharpe, his entire staff and the Bulldogs of Andalusia High School on their most enviable record and on their record-breaking winning streak for all state high school classifications.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Edward Richardson, Principal, for appropriate school display with copies also to Coach Sharpe on behalf of his staff and team, and to Superintendent Oscar Zennah and the Andalusia City Board of Education in recognition of their schools' athletic programs.

Approved January 30, 1979.

Time: 11:35 A.M.

Act No. 79-35

S.J.R. 4—Kirkland

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF CONSERVATION
OFFICER FRANK STEWART OF ATMORE, ALABAMA

WHEREAS, the Legislature of Alabama has noted with a deep sense of regret the death of Conservation Officer Frank Stewart of Atmore, Escambia County, Alabama, on December 24, 1978, at the age of 44; and

WHEREAS, he has been at various times a dedicated and conscientious law enforcement officer for the City of Bay Minette, the Baldwin County Sheriff's Department, the Alabama Board of Corrections, and since March, 1972, a Conservation Enforcement Officer with the Alabama Game and Fish Division assigned to Escambia County; and

WHEREAS, Officer Stewart was noted for his great interest in wildlife conservation and his ability to constantly work many hours beyond those required in a highly professional and dedicated manner; and

WHEREAS, he was a member of the Atmore, Alabama, Presley Street Baptist Church and was active in many of the civic endeavors of his community; he will be greatly and deeply missed and mourned by all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn the death of Officer Frank Stewart, and extend our most heartfelt sympathy to his wife, Mrs. Joyce Stewart, and to his sons, Kelvin Julius and Donnie Frank, and to his daughters, Fonda Denise and Amanda.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for presentation to Officer Stewart's family that they may know of the deep sorrow we share with them in their great loss and the great loss to wildlife conservation in this state.

Approved January 30, 1979.

Time: 11:40 A.M.

Act No. 79-36 S.J.R. 5—Kirkland, Bailey, Barron, Britnell,
Callahan, Clemon, Cook, deGraffenried,
Denton, Figures, Glass, Goodwin,
Gulledge, Hall, Harrison,
Higginbotham, Holmes, Keener,
Lemaster, Little, McDonald, Martin,
Miller, Mitchem, Parsons, Pearson,
Proctor, Robertson, Smith, St. John,
Taylor, Teague, Vacca, Weeks and
White

SENATE JOINT RESOLUTION

COMMENDING SENATOR MASTON MIMS FOR DISTINGUISHED SERVICE IN THE ALABAMA LEGISLATURE.

WHEREAS, in a desire to recognize distinguished service to our state, the Legislature of Alabama notes with warm commendation and deep appreciation the many notable contributions of our former colleague, Senator Maston Mims of Uriah; and

WHEREAS, farmer and cattleman, Maston Mims, came to the Senate in 1975 with four years experience in the House where he represented District 34 in Wilcox, Monroe and Conecuh Counties; as a member of that body, one of his assignments, most appropriately and wisely, was to the Agriculture Committee; in the Senate, his knowledgeability and consuming interest was again called upon when he was assigned to the Agriculture Committee and named chairman; he served equally as well, and diligently, in all other assignments thereby earning the admiration and respect of us all; and

WHEREAS, an active and contributing member of the Baptist Church, he also is a Mason, a past grand Marshal of the Alabama Grand Lodge and a member of the Alabama Cattleman's Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend our friend and former colleague, Senator Maston Mims; we further express our deep appreciation for his outstanding service during eight years in the Alabama Legislature and direct that he receive a copy of this resolution as a token of our affection, admiration, and praise.

Approved January 30, 1979.

Time: 11:40 A.M.

Act No. 79-37

S. 3—St. John

AN ACT

To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1978 sessions of the Legislature, with the exception of Act No. 770, H. 10, 1978 Regular Session, which amends the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as contained in the 1978 Cumulative Supplement and the 1978 Interim Supplement to the Code of Alabama 1975 and to make certain corrections in such Supplements.

Be It Enacted by the Legislature of Alabama:

Section 1. That the 1978 Cumulative Supplement and the 1978 Interim Supplement to the Code of Alabama 1975 containing all general and permanent laws of the State of Alabama adopted during the 1978 sessions of the Legislature, with the exception of Act No. 770, H. 10, 1978 Regular Session, which amends the Alabama Criminal Code (Act No. 607, S. 33, 1977 Regular Session), as prepared by the Bobbs-Merrill Company and The Michie Company, jointly, as the Code Commissioner, in accordance with and pursuant to the provisions of the contract dated February 11, 1974, as amended on January 26, 1976, and as further amended on February 19, 1976, by and between the said companies, on the one part, as the Code Commissioner, and the State of Alabama, acting by and through the Governor, on the other part, which said 1978 Cumulative Supplement is identified and authenticated by the Great Seal of the State of Alabama placed upon the front and back covers of each of the Volumes 3 through 22 thereof and which said 1978 Interim Supplement is identified and authenticated by the Great Seal of the State of Alabama placed upon the front and back covers of the one volume thereof, be and the same is hereby adopted and incorporated into the Code of Alabama 1975 as adopted by Act No. 20, H. 100, of the 1977 Regular Session of the Legislature, approved February 15, 1977 (Acts of 1977, p. 28). Provided, however, the following corrections shall be made to said 1978 Cumulative Supplement:

1. § 8-6-116, Volume 6, p. 34: On the tenth line of this section between the words "bonds" and "described", insert the following: "in lieu thereof. When such stop order shall have been served upon the issuer, it shall be fully effective unless lifted by the director or the commission for cause shown or unless the proposed industrial

revenue bonds".

2. § 8-6-119, Volume 6, p. 35: On the sixth line of the section, correct the words "assistant district attorney" to read "district attorney".

3. § 34-24-75, Volume 18, p. 44: On the second line from the bottom of the page, change the word "section" to read "subsection".

Provided further, the following correction shall be made to said 1978 Interim Supplement:

1. § 22-30-3, 1978 Interim Supplement, p. 41: In subdivision (7) of this section, correct "section 22-14-8" to read "section 22-30-8".

It is provided further that the adoption of this Act shall not repeal, supersede, amend, or in any other way affect any statute enacted into law during the 1979 sessions of the Legislature.

Section 2. Upon passage and approval of this Act, the duly authenticated 1978 Cumulative Supplement and 1978 Interim Supplement, as corrected, shall be transmitted to the Secretary of State, who, shall file said Supplements in that office. Said Supplements shall not be removed from the office of the Secretary of State, but the Secretary of State, upon request, under proper certificate and seal of that office, shall certify any part or parts thereof upon payment of the fee specified by law for similar services.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved January 30, 1979.

Time: 11:45 A.M.

Act No. 79-38

S.J.R. 9—Pearson

SENATE JOINT RESOLUTION
CREATING A CONTINUING JOINT FISCAL STUDY
COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF
ALABAMA, BOTH HOUSES THEREOF CONCURRING, That
there is hereby created a Continuing Joint Fiscal Study Committee,

hereinafter called the "Committee."

a. The Committee shall be composed of 40 members as follows: The Lt. Governor and 19 members of the Senate appointed by the Lt. Governor, and the Speaker of the House of Representatives and 19 members of the House of Representatives appointed by the Speaker. The Lt. Governor and the Speaker of the House of Representatives shall jointly act as chairmen of the Committee. The Committee shall meet upon the call of its chairmen.

b. The Committee shall meet at the call of the chairmen who shall set the agenda. The Committee shall meet as soon as practicable following the adoption of this resolution. The Committee shall inquire into the fiscal status of the departments and agencies of the State of Alabama, specifically ascertaining with respect to such, the anticipated or projected cost of operation for the remainder of the 1978-79 fiscal year and each fiscal year hereafter and also ascertaining whether or not available appropriations or anticipated revenues specifically allocated to such departments and agencies are adequate to cover such projected costs. Specific inquiry shall be made to ascertain whether any current activities or programs of the state must be curtailed or abandoned during the 1978-79 fiscal year due to nonavailability of funds. The Committee shall ascertain the present financial posture of those departments and agencies of the State of Alabama which in the Committee's judgment face unique and immediate financial difficulties or require special inquiry or investigation.

c. The Committee shall also be authorized to make inquiries as to future budgetary and fiscal matters affecting any department, board, bureau, commission, office, institution, college, university, school board, or agency if the Committee feels that such action would assist the Senate Finance and Taxation Committee and the House Ways and Means Committee in their later deliberations.

d. The Committee may make any other fiscal or budgetary inquiry or investigation that it deems necessary or desirable.

e. All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and shall furnish any and all information that may be requested by the Committee.

f. The chairmen of the Committee created under this joint resolution shall be empowered to employ such clerical, legal, and stenographic assistance as may be necessary and with the cost of such to be paid as provided by Section 29-1-9 of the Code of Alabama 1975.

g. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. The members of the Committee shall be paid the same compensation and expenses as provided them for legislative sessions to be paid in the same manner as such compensation and expenses.

h. The Committee shall prepare a written report of its findings and recommendations, which report shall be furnished to the Governor and to each member of the Legislature by no later than the fifth (5th) legislative day of the Regular Session of 1979. The Committee shall also make and file a preliminary report of its activities to the Governor each fiscal year; said Committee shall terminate November 1, 1982.

Approved January 30, 1979.

Time: 11:45 A.M.

Act No. 79-39 S.J.R. 10—McDonald, Smith, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

COMMENDING JOHN STALLWORTH, STAR STEELER AND SUPER BOWL XIII STANDOUT.

WHEREAS, it is with great pride that the Legislature of Alabama recognizes the credit, fame and honor brought to our State by native son, John Stallworth, whose brilliant performance in Super Bowl XIII contributed greatly to the Pittsburgh Steeler's outstanding victory over the Dallas Cowboys; and

WHEREAS, he is a native of Tuscaloosa and presently a resident of Huntsville, Alabama; John Stallworth, a superb athlete since boyhood, played for both Druid High School and Tuscaloosa

High School and for Alabama A&M University; and

WHEREAS, an A&M 1974 graduate, he was drafted by the Pittsburgh Steelers and, as wide receiver for five years, has shared the glory of an unprecedented three Super Championships for the Pittsburgh pros; and

WHEREAS, for the regular 1978 season, Stallworth caught 41 passes for a total of 798 yards and nine touchdowns; he set an NFL divisional play-off record catching ten passes against Denver, caught a 45-yard touchdown pass against Houston for a berth in the Super Bowl and caught two touchdown passes, one for 28 yards and one for 75 yards, in the big one against Dallas before injuries took him from the game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his outstanding career, we most highly commend our native son, John Stallworth; we offer hearty congratulations on his third big Super Bowl win and express appreciation for the honor he has brought to our state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to John Stallworth as a token of our esteem with copies also provided for the Steeler's owner, Mr. Art Rooney, and for Head Coach Chuck Noll.

Approved January 30, 1979.

Time: 11:45 A.M.

Act No. 79-40

S.J.R. 11—Little, deGraffenried, Bailey, Barron, Britnell, Callahan, Clemon, Cook, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, McDonald, Martin, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, St. John, Taylor, Teague, Vacca, Weeks and White

SENATE JOINT RESOLUTION

AUTHORIZING THE NAMING OF THE STUDENT HEALTH CENTER ON THE CAMPUS OF THE UNIVERSITY OF ALABAMA, the "Thomas D. and Julia W. Russell Hall."

WHEREAS, Thomas D. Russell, a distinguished alumnus of the University of Alabama, and his equally illustrious wife, Julia W. Russell, have manifested generously their support and loyalty to the University for many years, twenty-seven of which Thomas Russell has served as an elected or life member of the Board of Trustees; and

WHEREAS, Mr. and Mrs. Russell have been interested especially in the development and support of all major health care activities in the state and, therefore, it would be particularly fitting for them to be honored by having the impressive student health center on the University of Alabama campus in Tuscaloosa bear their names; and

WHEREAS, the Board of Trustees of the University of Alabama has previously authorized the naming of this building for Mr. and Mrs. Russell, subject to legislative approval, and the members of the legislature wish to join in honoring again these outstanding Alabamians by approving this action; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the student health center on the campus of the University of Alabama be and the same hereby is named, "Thomas D. and Julia W. Russell Hall" in honor of Thomas and Julia Russell.

BE IT RESOLVED FURTHER, That the Secretary of the Senate is directed to forward copies of this resolution to Mr. and Mrs. Russell.

Approved January 30, 1979.

Time: 11:45 A.M.

Act No. 41

H. 2—Sasser

AN ACT

To amend Section 8 of Act No. 138 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama so as to provide further for the use and distribution of the proceeds of the bonds therein authorized to be issued.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 138 enacted at the 1978 Second Extraordinary Session of the Legislature (Acts 1978, p. 1875) is hereby amended to read as follows:

“Section 8. Use of Bond Proceeds. The proceeds derived from each sale of the Bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The expenses of issuance of the Bonds shall be prorated among the recipients listed in this Act of the proceeds from the sale of the Bonds in the proportions they receive allocations of the proceeds hereunder. The proceeds from the sale of the Bonds remaining after payment of the expenses of issuance thereof shall be retained in the fund and paid out from time to time on orders or warrants issued by or on the direction of the Authority for any one or more of the purposes specified in Section 2 of this Act that may be deemed by the Authority to be most advantageous to the State, and the proceeds shall be used solely for those purposes and shall be allocated and expended by the Authority in the amount set out as follows:

(a) Fifty-nine million dollars (\$59,000,000.00) to senior colleges and universities to be distributed as follows:

(1) \$8,468,537.00 of the proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

(2) \$8,176,368.00 of the proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Birmingham campus;

(3) \$3,529,812.00 of the proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Huntsville campus;

(4) \$8,695,286.00 of the proceeds shall be distributed to Auburn University;

(5) \$2,690,714.00 of the proceeds shall be distributed to Auburn University at Montgomery;

(6) \$4,055,634.00 of the proceeds shall be distributed to the University of South Alabama;

(7) \$2,952,994.00 of the proceeds shall be distributed to the University of Montevallo;

(8) \$3,612,972.00 of the proceeds shall be distributed to the University of North Alabama;

(9) \$3,713,318.00 of the proceeds shall be distributed to Jacksonville State University;

(10) \$2,418,932.00 of the proceeds shall be distributed to Livingston University;

(11) \$3,770,422.00 of the proceeds shall be distributed to Troy State University;

(12) \$2,968,039.00 of the proceeds shall be distributed to Alabama Agricultural and Mechanical University;

(13) \$2,946,972.00 of the proceeds shall be distributed to Alabama State University;

(14) \$1,000,000.00 of the proceeds shall be distributed to Athens State College;

(b) Twenty-seven million five hundred thirty-five thousand dollars (\$27,535,000.00) to junior colleges and vocational-technical institutes to be distributed as follows:

1. Alexander City State Junior College	\$ 618,980
2. S. D. Bishop State Junior College	723,126
3. Brewer State Junior College	661,511
4. John C. Calhoun State Tech. Jr. Col.	948,814
5. Jefferson Davis State Jr. Col.	487,571
6. Enterprise State Junior Col.	696,135
7. Faulkner State Jr. Col.	735,940
8. Gadsden State Jr. Col.	1,187,692
9. Patrick Henry State Jr. Col.	492,479
10. Jefferson State Jr. Col.	1,669,980
11. T. A. Lawson State Jr. Col.	1,581,305
12. Northeast Alabama State Jr. Col.	745,209
13. Northwest Alabama State Jr. Col.	515,653
14. Snead State Junior College	613,255
(Any proceeds allocated to this junior college may be used to redeem or repay presently outstanding debts of bonds issued or incurred for the purpose of providing educational or dormitory facilities for the junior college.)	
15. Southern Union State Jr. Col.	649,515
16. George C. Wallace State Tech. Jr. Col., Dothan	540,410
17. George C. Wallace State Jr. Col., Selma	438,718
18. Lurleen B. Wallace State Jr. Col.	509,382
19. Alabama Institute of Aviation Tech.	414,507
20. Alabama Technical - Gadsden	509,927
21. Ayers State Technical College	435,771
22. Bessemer State Technical College	635,066

23.	Calhoun State Tech. Trade School	322,031
24.	Carver State Tech. Trade School	394,331
25.	Drake State Technical College	479,665
26.	Gadsden State Technical Inst.	357,253
27.	Hobson State Technical Inst.	404,964
28.	MacArthur State Tech. Col.	456,219
29.	Muscle Shoals Tech. Inst.	453,220
30.	Northwest Alabama State Tech. Col.	437,952
31.	Nunnelley State Tech. Inst.	424,321
32.	Opelika State Technical Col.	454,310
33.	Patterson State Tech. Col.	486,753
34.	Reid State Technical Col.	395,421
35.	Shelton State Technical Col.	472,304
36.	Sparks State Technical Inst.	367,068
37.	Southwest State Tech. Col.	487,571
38.	Trenholm State Trade School	402,237
39.	Walker County State Trade School	422,412
40.	Wallace State Tech. Trade School, Dothan	383,919
41.	Wallace State Tech. Inst., Hanceville	307,309
42.	Wallace State Tech. Inst., Selma	260,689
43.	Atmore Technical College	376,337
44.	Ingram State Technical Institute	395,149
45.	Regional Technical Institute	285,000
46.	George C. Wallace State Jr. College, Hanceville	350,385
47.	Alabama Institute for the Deaf and Blind	500,000
48.	Chattahoochee Valley State Jr. Col.	818,820
49.	Fredd State Technical College	391,332
50.	Lawson State Technical Institute	437,082

The proceeds distributable hereunder to the Alabama Institute of Aviation Technology may be used by said Institute, or by the State Board of Education acting pursuant to its statutory authority to manage and control said Institute, to purchase any equipment and machinery that the Authority determines to be necessary for the teaching of the trade courses pertaining to aviation offered by said Institute, or to pay any obligations incurred at any time by said Institute, or by the State Board of Education as aforesaid, in connection with the purchase of any such equipment and machinery.

(c) One hundred fourteen million seven hundred fifty thousand dollars (\$114,750,000.00) for elementary-secondary school systems to be distributed as follows:

(1) One hundred thousand dollars (\$100,000.00) shall be paid to each city and county board of education. Provided, however,

all of the money appropriated in this subsection for the Etowah County School System shall be allocated and appropriated for constructing and equipping a new middle school in Rainbow City. Provided, however, all of the money appropriated in this subsection for the Madison County School System shall be allocated and appropriated for renovation and improvement of the New Market School.

(2) Ninety-two million three hundred thousand dollars (\$92,300,000.00) shall be allocated and distributed to city and county boards of education, pro rata, on the basis of teacher units as determined in accordance with the minimum school program for the school year 1976-1977.

(3) The residue from the \$114,750,000, after providing for costs of issuance of the Bonds and paragraphs (1) and (2) of this subsection shall be allocated and distributed to city and county boards of education in accordance with their special needs, as determined by the Authority, and shall be used for the purposes described in Section 2 of this Act. All of the money allocated to the Etowah County School system from this subsection shall be used for constructing and equipping a new middle school in Rainbow City.

(d) Two million eight hundred and twenty-five thousand (\$2,825,000) for repair and replacement of, and equipment for, public school buildings which have been destroyed by fire or natural disaster or where there exist critical needs, such amount to be allocated as follows:

Board of Education	School	Amount
1. Gadsden City	General Forest School	\$ 275,000
2. Hartselle City	Morgan County Training School	290,000
3. Lamar County	Vernon Vocational School	15,000
4. Winfield City	Winfield Vocational School	100,000
5. Midfield City	Midfield School	200,000
6. Lawrence County	Chalybeate School	240,000
7. Madison County	New Market School	125,000
8. Marshall County	Boaz Middle School	315,000
9. Mobile County	Prichard Middle School	315,000
10. Randolph County	Folsom Junior High School	300,000
11. Shelby County	Montevallo High School	125,000
12. Shelby County	Vincent High School	125,000
13. Cullman County	Baileyton School	100,000
14. Tusculumbia City	Deshler Junior High School	100,000
15. Macon County	Tuskegee Public School	100,000
16. Bullock County	Merit Junior High School	100,000

It is intended that the amount hereunder to be distributed to the Board of Education of the City of Gadsden is to be used (i) to pay the principal of any obligations incurred by the said board in the replacement or restoration and equipment of the General Forrest Jr. High which has been destroyed by fire, and (ii) to the extent not necessary for that purpose, to be expended for capital improvements for public educational purposes as a part of the City of Gadsden Public School System.

If the costs of the repair and replacement of, and equipment for, any school named in this subsection (d) are paid, in whole or in part, with moneys other than those herein allocated for such purpose, the proceeds hereinabove allocated therefor may, to the extent not needed therefor, be used by the recipient board of education for any of the purposes specified in Section 2 of this Act.

(e) Sixteen million two hundred fifteen thousand (\$16,215,000) to be allocated for special and critical needs as follows:

1. Alabama A & M University	\$1,700,000
2. Alabama State University	600,000
3. Auburn University at Montgomery	130,000
4. Troy State University	750,000
5. Department of Youth Services (\$125,000 must be used to alter and improve the Harris Home in Huntsville)	625,000
6. Marine Science Consortium	150,000
7. University of Alabama in Birmingham Lab for training Public Health personnel	870,000
Spain Rehabilitation Center	750,000
Spain Lakeshore Center	750,000
End Stage Renal Disease	750,000
Art Center	1,000,000
Diabetes Clinic	600,000
8. Alabama Aviation State Technical School	450,000
9. Shelton State Technical School	400,000
10. Brewer State Junior College	400,000
11. Chattahoochee Valley State Jr. College	1,650,000
12. Gadsden State Junior College	1,000,000
13. P. Henry State Junior College	200,000
14. Lawson State Junior College	400,000
15. Southern Union State Junior College	200,000
16. Wallace State Junior College, Dothan	950,000
17. Wallace State Jr. College, Hanceville	1,840,000
18. Alabama Cooperative Extension Service Swine Demonstration Center at Headland	50,000

(f) Each building constructed wholly or in part with any portion of the proceeds of the Bonds shall be constructed pursuant to plans and specifications approved by the Technical Staff of the Building Commission, or any agency that may be designated by the Legislature as its successor, and the costs of architectural and supervisory services shall be construed to constitute construction costs. The Authority may, from the proceeds of the Bonds allocated for the construction of a building, reimburse the Technical Staff for any expenses reasonably incurred by it in connection with its approval of the plans and specifications pertaining to that building."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved January 30, 1979

Time: 11:50 A.M.

Act No. 79-42

H. 4—Kelley, Dial

AN ACT

To further amend Section 40-9-21 of the Code of Alabama 1975, as last amended, which section relates to ad valorem tax exemptions for certain totally disabled persons or certain persons 65 years or older who furnish proof their net taxable income for the preceding year was \$7,500 or less.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-9-21 of the Code of Alabama 1975, as last amended, is hereby further amended to read as follows:

"§ 40-9-21. Principal residences of totally disabled persons or persons 65 years or older having a net annual taxable income of \$7,500.00 or less, as shown on such person and spouse's latest United States Income Tax return.

"In addition to the persons and property exempt from ad valorem taxation as prescribed in section 40-9-1, the following shall also be exempt from ad valorem taxation: the principal residence of any person who is totally disabled or who is 65 years of age or older having a net annual taxable income of \$7,500.00 or less, as shown on such person and spouse's latest United States Income Tax return. In the event that such person and spouse are not required to file a United States Income Tax return, then an affidavit indicating that

the net taxable income of such person and spouse for the preceding taxable year was \$7,500.00 or less shall be sufficient proof. Proof of age shall be furnished when the exemption provided herein is claimed. Proof of total disability may be, but shall not be limited to, the written certification of such total disability by any two physicians licensed to practice in this state. In order to qualify for exemption under this section such principal residence must be a single-family residence owned and occupied by a person qualifying under this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved January 30, 1979

Time: 11:50 A.M.

Act No. 79-43

H.J.R. 19—Whatley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be a joint study committee on agriculture, which shall be a continuing committee to make a study of the condition of agriculture and conservation in the state, hold hearings and inquire into ways and means of improving conditions in the field of agriculture and conservation in the state. The committee shall make a report to the legislature before the 25th legislative day of all future regular sessions of the legislature.

BE IT FURTHER RESOLVED, That the committee shall consist of the members of the House Committee on Agriculture and Forestry and the Senate Committee on Agriculture, Conservation and Forestry and certain members of the Legislature, as appointed by the Speaker of the House and the Lieutenant Governor. The chairman of the Senate Committee on Agriculture, Conservation and Forestry shall serve as the Chairman of this committee, and the Chairman of the House Committee on Agriculture and Forestry shall serve as Vice-Chairman. The chairman of the committee shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint subcommittees and invest them with such authority as may be

necessary to conduct the committee's business and expedite its work. The total expenditures of the committee shall not exceed seven thousand dollars per year, inclusive of per diem legislative pay and travel expenses, provided no member shall be paid for any day that they do not meet. Any out-of-state travel must be approved by the Governor. The Secretary of the Senate shall provide secretarial and stenographic assistance and postage as required. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature.

Approved January 30, 1979

Time: 12:00 Noon

Act No. 79-44 H.J.R. 30-Bennett, Adams (C), Adams (H),
 Albright, Amari, Barton, Bedsole,
 Biddle, Blake, Boles, Bowling,
 Brakefield, Buskey, Cabaniss,
 Campbell, Carothers, Carter, Cates,
 Cheatwood, Clark, Cobb, Coburn,
 Cooley, Cooper, Cosby, Crow, Daniels,
 Dial, Dixon, Drinkard, Edwards,
 Ford, Gafford, Gilmer, Goodwin, Greer,
 Gregg, Grimsley, Grouby, Hall,
 Hammett, Harper, Harrison, Harvey,
 Hilliard, Hines, Holley, Holmes, Horn,
 Howard, Jackson, Johnson (R.G.),
 Johnson (Roy), Kelley, Kennedy, Laird,
 Langford, Letson, Lewis,
 McCorquodale, McKee, McMillan,
 Manley, Minus, Mitchell, Moore,
 Naramore, Nevett, Olive, Owens,
 Parker, Patton, Payne, Pegues, Penry,
 Rains, Ray, Reed, Riddick, Roberts,
 Sandusky, Sasser, Seibels, Sharpe,
 Shavers, Shoemaker, Smith (C),
 Smith (J), Smith (M), Starkey,
 Stewart, Stout, Trammell, Tucker,
 Turner, Turnham, Venable,
 Waggoner, Ward, Warren, Whatley,
 Williams, Willis, Wyatt, Zoghby

COMMENDING THE 1978 JACKSONVILLE STATE UNIVERSITY GAMECOCK FOOTBALL TEAM.

WHEREAS, the Jacksonville State University Football Team, winning back-to-back Gulf South Conference Championships in 1977 and 1978, became the first GSC team this past season to win such honors; and

WHEREAS, the Gamecocks of Head Coach Jim Fuller also returned to the NCAA Division II national playoffs for the second straight year in 1978; and

WHEREAS, the 1978 JSU squad went 7-3 for the season, losing to the University of Delaware in the NCAA play-offs Thanksgiving weekend in a game attracting national attention; and

WHEREAS, the 1978 team has two All-Americans, including Lineman Jesse Baker who made three All-American selections and played in both the Senior Bowl and the East-West Shrine Game; and All-American Tight End Butch Barker, tabbed for first team academic All-American honors, was one of only five recipients this year of NCAA post graduate scholarships from over 700 college and university campuses in the United States; and

WHEREAS, Head Coach Jim Fuller was selected as "Coach of the Year" in the Gulf South Conference for the second straight year in 1978; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend the Jacksonville State University Football team for another outstanding season in which it brought great credit to the State of Alabama.

BE IT FURTHER RESOLVED, That Gamecock football is recognized as among the best NCAA Division II has to offer anywhere in the nation.

RESOLVED FURTHER, That copies of this resolution be sent to Coach Jim Fuller, Sports Information Director Rudy Abbott, Athletic Director Terry Cole and JSU President Ernest Stone.

Approved January 30, 1979

Time: 12:05 P.M.

Act No. 79-45

H.J.R. 34—Bedsole, McCorquodale,
Manley, Dixon, Smith (C),
McKee

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. JOSIE KEY HOWARD.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mrs. Mary Josepha Key Howard at her home in Montgomery, Alabama, on January 21, 1979, at the age of 74; and

WHEREAS, a native and lifelong resident of Montgomery, Mrs. Josie Howard was the widow of the late Milo B. Howard and was the mother of Milo B. Howard, Jr., Director of the Alabama Department of Archives and History, and Mrs. Marilakin Howard Thomas of Forest, Mississippi; and

WHEREAS, a gracious lady of great charm, Mrs. Howard was also a woman of outstanding ability who prominently participated for many years in the civic, social and charitable affairs of her city; she was a member of the Dexter Avenue United Methodist Church, a member of Sophie Bibb Chapter of the United Daughters of the Confederacy and served for fifty years on the board of directors of the Woman's Home in Montgomery; and

WHEREAS, though she greatly and favorably influenced the lives of all those whom she knew and loved, none so profoundly as those of her son and daughter who commendably reflect her teachings of priorities, the wisdom of her guidance, her ideals and her emphasis on our proud tradition and heritage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Josie Key Howard and extend our most heartfelt sympathy to all members of her family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to her son, Milo B. Howard, Jr., to her daughter, Marilakin Howard Thomas, and other family members that they may know of our concern for them and may know, too, that we share the sorrow of their loss.

Approved January 30, 1979

Time: 12:05 P.M.

Act No. 79-46

H.J.R. 35—Bedsole, Harper, McMillan,
Kennedy, Zoghby, Stewart,
Parker, Turner, Buskey,
Cooper, Sandusky

HOUSE JOINT RESOLUTION

COMMENDING THE MOBILE, ALABAMA, PARTICIPANTS IN OUR STATE'S INAUGURAL EVENTS.

WHEREAS, Inaugural Day, January 15, 1979, was a joyous occasion for the State of Alabama and for all its citizens with an uncurable optimism for our "new beginning" evident in the events and festivities of the day; and

WHEREAS, with participation from all counties, that of Mobile County was singular in the number of those who took an active part in the Inauguration; and

WHEREAS, immediately preceding the installation ceremonies and, as our national anthem was sung, those present stood proudly in patriotism while John C. H. Miller, Jr., of Mobile raised our country's flag; Braxton Comer Counts, III, also of Mobile, participated by holding the historic Jefferson Davis Bible as his uncle, Fob James, was sworn in as Governor of the State of Alabama; and

WHEREAS, at the gala Inaugural Ball, Braxton Comer Counts, Jr., served as Grand Marshal while the ball's Master of Ceremonies was Mobile's fourth participant, James Clarence Bledsoe; and

WHEREAS, Alabama's Inaugural, 1979, will long be remembered for its aura of both solemnity and gala festivity with the day's success most attributable to those who actively took part in the events; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That we most highly commend Messrs. James Clarence Bledsoe, Braxton Comer Counts, Jr., Braxton Comer Counts, III, and John C. H. Miller, Jr., for their participation in Alabama's recent Inauguration and for their representation of the City and County of Mobile, Alabama.

BE IT FURTHER RESOLVED, That each gentleman receive a copy of this resolution as a token of our appreciation and esteem.

Approved January 30, 1979

Time: 12:10 P.M.

Act No. 79-47

H.J.R. 39—Turnham, Whatley, Ward,
Smith (C)

HOUSE JOINT RESOLUTION

HONORING MR. CECIL G. DAVIS, ASSOCIATE
DIRECTOR-FIELD OPERATIONS, ALABAMA COOPERA-
TIVE EXTENSION SERVICE.

WHEREAS, the Legislature of Alabama notes with regret the announced retirement of Mr. Cecil G. Davis as Associate Director-Field Operations of the Alabama Cooperative Extension Service on June 1, 1979; and

WHEREAS, Mr. Davis, a native of Carbon Hill, a decorated World War II combat veteran, and a 1948 graduate of Alabama Polytechnic Institute with a Bachelor of Science degree in agricultural science; he worked his way up through the ranks of the Alabama Cooperative Extension Service, holding his first Extension job in Cullman in 1948; he later served as Assistant Agent for several counties and in 1954 was promoted to County Agent in Pickens County; he was later promoted to District Program Specialist, and in 1972 was promoted to Extension Chairman for North Alabama; in 1977 he was appointed Associate Director-Field Operations, a position he has faithfully and effectively served; and

WHEREAS, Mr. Davis' unceasing devotion to duty and positive unwavering leadership are well known to his co-workers; he developed the original proposal for re-organization of field operations, including the concept of district supervisory teams; he contributed to the development of computer based systems for county staffing and financial support and because of his years of effort and determination ACES staff members have obtained state retirement benefits; and

WHEREAS, further, he received five battle stars and the Bronze Star for valor during his tenure with the U. S. Army; he was named "Man of the Year" in 1963 in Pickens County; he is a member of Alpha Gamma Rho social fraternity, several honorary fraternities and holds membership in a number of fraternal, civic and professional organizations; he is president of the Alabama Association of County Agricultural Agents; and holds a Master's degree in agriculture from Auburn and has completed several hours of work beyond the Master's degree program in development and administration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF
ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we most highly commend Mr. Cecil G. Davis on his prestigious career with the Extension Service. We voice our appreciation for his outstanding accomplishments and wish for him and his wife, Rachel, continued success and happiness in the future.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Davis so that he and Mrs. Davis and their children, Grant and Cecilia Rachel, may know of our deep appreciation and high esteem.

Approved January 30, 1979

Time: 12:10 P.M.

Act No. 79-48

H.J.R. 40—Hines, Warren

HOUSE JOINT RESOLUTION

DESIGNATING THE MUSEUM AT THE JEFFERSON DAVIS STATE JUNIOR COLLEGE IN BREWTON THE "THOMAS E. McMILLAN MUSEUM."

WHEREAS, the ancestors of Thomas E. McMillan formerly owned and lived on the land where the Jefferson Davis State Junior College is now located in Brewton; and

WHEREAS, Thomas E. McMillan was a charter member and active trustee of the Escambia County Historical Society until his death; and

WHEREAS, Thomas E. McMillan received an award of merit from the Alabama Historical Commission in recognition of his efforts as a long-time preservationist and historian; and

WHEREAS, the Thomas E. McMillan estate has contributed a sizable sum to the Escambia County Historical Society for the purpose of helping build and support a museum to be established at Jefferson Davis State Junior College; and

WHEREAS, The Thomas E. McMillan family has an outstanding collection of artifacts and historical objects of museum quality that will be used as a nucleus of a fine historical museum at Jefferson Davis State Junior College; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That to perpetuate the memory of this generous man and his many contributions to his community and to Jefferson Davis State Junior College in particular, the museum being established at Jefferson Davis State

Junior College in Brewton shall be designated the "Thomas E. McMillan Museum."

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to send copies of this resolution to the family of Thomas E. McMillan and to the President of Jefferson Davis State Junior College.

Approved January 30, 1979

Time: 12:10 P.M.

Act No. 79-49

S.J.R. 12—Smith

SENATE JOINT RESOLUTION

RELATING TO MEMBERS OF COMMITTEES OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES AND THE COUNCIL OF STATE GOVERNMENTS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That any member of the legislature serving as a member of a committee of the National Conference of State Legislatures or The Council of State Governments who is not a member of the Legislative Council shall be entitled to the same compensation, expenses, and transportation allowances for attendance at meetings of such committee as members of the Legislative Council. All such compensation and expenses authorized by the provisions of this resolution shall be paid from funds appropriated to the use of the legislature.

Approved January 30, 1979

Time: 12:15 P.M.

Act No. 79-50

S.J.R. 13—Taylor

SENATE JOINT RESOLUTION

DESIGNATING FEBRUARY 12 TO FEBRUARY 22 IN EACH YEAR AS "NATIONAL DEFENSE WEEK."

WHEREAS, in order to rededicate Alabamians with

purposeful understanding to the needs and purposes of our country's national defense and to again appreciate the principle that only with strength, courage, understanding and conviction can our country progress in a difficult world; and

WHEREAS, upon these principles rests a strong national defense for the benefit of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor of Alabama is hereby requested to designate and dedicate February 12 to 22 of each year as "National Defense Week."

RESOLVED FURTHER, That it is not the purpose of this resolution to declare a legal holiday, but a week for discussion, reflection, education, and exchange of ideas and views for the development of a better understanding and basis for action concerning the needs and purposes of our country's national defense, and our way of life.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to Governor Fob James.

Approved January 30, 1979

Time: 12:15 P.M.

Act No. 79-51

S.J.R. 14—Little, Taylor, Kirkland,
Gulledge, Bailey, Callahan
and Figures

SENATE JOINT RESOLUTION

COMMENDING THE ROTARIAN GROUP STUDY EXCHANGE DELEGATION TO NEW SOUTH WALES, AUSTRALIA.

WHEREAS, the Legislature of Alabama notes with interest and commendation and imminent cultural exchange study tour to New South Wales, Australia, by a group of prominent South Alabamians; and

WHEREAS, sponsored by District 688 of Rotary International, which is composed of local clubs from Montgomery South to Mobile, Alabama, the study group will be led by Rotarian Walter H. Porter of Auburn who is the district governor's representative; his five team members are Mr. John Autrey of

Greenville, Mr. Jimmy McCrackin of Brewton, Mr. Gary Moore of Fairhope, Mr. Jim Williams of Mobile and Mr. Keith Roling of Dothan; and

WHEREAS, nominated by local Rotary Clubs in their area, the delegates were then chosen by a committee for that purpose from Rotarian District 688; they were selected on the basis of good character, civic involvement, achievement and on the possession of those qualities necessary to serve good will ambassadors; and

WHEREAS, for six weeks beginning February 14, this prestigious group will travel extensively throughout New South Wales, Australia, staying in private homes for the entire trip; as part of a cultural exchange, they will observe and study the customs, education, industry and other areas of their host country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend this extraordinary group of Alabamians selected to represent our state as good will ambassadors to Australia.

BE IT FURTHER RESOLVED, That each member of the delegation receive a copy of this resolution as a token of our praise and that they may know of our warm best wishes for a successful and fruitful journey.

Approved January 30, 1979

Time: 12:15 P.M.

Act No. 79-52

S.J.R. 19—St. John

SENATE JOINT RESOLUTION

TO SUPPLEMENT ACT NO. 84, H.J.R. 126, 1976 REGULAR SESSION, WHICH CREATES THE BOARD OF CORRECTIONS MANAGEMENT AND EVALUATION COMMITTEE, SO AS TO INCREASE THE MEMBERSHIP ON SAID COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the board of corrections management and evaluation committee created by Act No. 84, H.J.R. 126, 1976 Regular Session (Acts 1976,

p. 84), shall be composed of 8 members, 2 of which shall be ex-officio and 6 of which shall be appointed, 3 each to be appointed by the President of the Senate and the Speaker of the House, who shall both serve as the ex-officio members.

Approved January 30, 1979

Time: 12:15 P.M.

Act No. 79-53

H.J.R. 2—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved January 26, 1979

Time: 5:00 P.M.

Act No. 79-54

H.J.R. 3—Manley

HOUSE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY A NEW STATE CONSTITUTION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study all aspects of a new state constitution. The committee shall be composed of 34 members as follows: The Lt. Governor and 17 members of the Senate appointed by the Lt. Governor, and the Speaker of the House and 15 members of the House of Representatives appointed by the Speaker. The Lt. Governor and the Speaker of the House of Representatives shall jointly act as chairmen of the committee and shall preside over the meetings of the committee. The committee shall meet upon the call of its

chairmen.

The committee shall study all aspects of a new constitution and shall report its findings, comments and suggestions to the Legislature on the first legislative day of the next special or regular session of the Legislature, on which date the committee hereby established shall automatically be terminated and shall have no further legal function or existence.

The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session. The payment of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the Legislature.

Approved January 26, 1979

Time: 5:00 P.M.

Act No. 79-55

H.J.R. 6—Riddick, Smith (M), Gregg,
Albright, Hall, Smith (J)

HOUSE JOINT RESOLUTION

ESTABLISHING THE MADISON COUNTY ELECTED
OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Madison County, a Commission to be known as The Madison County Elected Officials Salary Commission, hereinafter called "The Commission."

The Commission shall be composed of nine (9) members with four (4) of its members from government, four (4) members from business, and a Chairman. The four (4) members from business and government shall include one lawyer, a manager, and two (2) salary administrators. Its membership shall be appointed by The Madison County Delegation.

The Chairman shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of The Chairman. Members of The Commission shall serve without compensation.

The objective of The Commission will be to provide information and recommendations regarding salaries of Madison County

elected officials. The specific objectives of The Commission shall be described by The Madison County Delegation.

BE IT FURTHER RESOLVED, That the Clerk of the House shall furnish a copy of this resolution to each member of the Madison County Delegation.

Approved January 26, 1979

Time: 5:05 P.M.

Act No. 79-56

H.J.R. 4—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, January 18, 1979, they adjourn to meet again on Friday, January 19, 1979; when the two houses adjourn on Friday, January 19, 1979, they adjourn to meet again on Monday, January 22, 1979; when they adjourn on Monday, January 22, 1979, they adjourn to meet again on Tuesday, January 23, 1979; when they adjourn on Tuesday, January 23, 1979, they adjourn to meet again on Wednesday, January 24, 1979; and when they adjourn on Wednesday, January 24, 1979, they adjourn sine die.

Approved January 26, 1979

Time: 5:05 P.M.

**ADDRESS TO JOINT SESSION OF THE LEGISLATURE
BY GOVERNOR FOB JAMES
AT REGULAR SESSION APRIL 17, 1979**

May I proceed Governor McMillan and Mr. Speaker? (You may proceed)

Senators and Representatives, ladies and gentlemen, I would be out of order if I did not, on behalf of the Executive Branch of the government, welcome each and every one of you to Montgomery, Alabama and the Capitol in the remainder of this wonderful spring and the tremendous summer we are all going to enjoy together here in the Capitol city.

And also I would be remiss if I did not express my gratitude to Senator Figures, Senator Barron and Senator Britnell and Representatives Cobb, Gilmer and Hall for coming down in the early part of the afternoon and letting me know that the Legislature had gotten into town, and I thank you very much for that. And also for Senator Denton, Cook and Smith and the wonderful Representatives from my home county, Mr. Turnham, Representative Ward and Whatley for showing me where the Legislature comes once they get to town. And so here we are.

One other note of gratitude in a very serious vein is in order and that is to members of the House and the Senate for the very serious vein in which you held your budget hearings. You asked hard questions and in my judgment every one was justified. You persevered, you suffered some frustrations because the numbers were not orderly and disciplined and available to you, and I suffer those same frustrations some now. But I want to pledge to you members of the budget committee that a few months from now when you resume again next year I think we will spare you those frustrations because we will have a base to start with--something to compare by--and we will do our duty by your having information on which to base many of the hard decisions you are called upon to make.

Next week I am going to submit to you the budgets. I believe the budgets will reflect a way of thinking, a way of thinking confirmed overwhelmingly by the people of Alabama in the elections of 1978. That is a total disbelief that large expenditures of tax dollars alone necessarily can solve one problem--it can not.

There is no such thing as a free lunch. There is no such thing as something for nothing. Always somebody has to pay. They will

reflect too a growing resolve that government should live under the same discipline and the same restraints and at times suffer the same hardships as do the citizens who pay for government. And above all government must be accountable. Accountable to who? Accountable to the House and accountable to the Senate--each and every member--because this is a body the people of Alabama have entrusted the pursestrings and I love this system. It is right and proper and all we have to do is make it work. Accountability: there lies the challenge of the 80's. The most grass roots body in these United States--and I have said it to you before and I want to say it to you again--are the State Legislatures of America, that original body the founding fathers set forth and put so much emphasis on years ago. You are closer to the people than any other body in all of government and that's why you are so fundamental and that is why you better than anyone else, in my judgment, can meet the challenge. I will do my best to prevent the executive branch from administering itself away from the problems you want solved, or allowing bureaucratic buffers to hide from you true utilization of the tax dollar. To this end, ladies and gentlemen I request, I humbly request, your approval and your support of two actions of which I feel very strong.

First tonight, I want to begin the war on illiteracy. I want you and I to win the war on illiteracy for the children of Alabama. Illiteracy is real, illiteracy is a human tragedy, illiteracy in 1979 is hell. The state government along with local governments and school boards bear the responsibility of seeing that our children are taught to read and write, spell and count and if we fail there a child is handicapped for life.

Now let me hasten to add to that. Governments of all sizes, any shape, form or fashion and billions of dollars cannot win this war without mass human commitment on part of parents to help their child, to discipline their child, to support their teachers and principals. To do less is an injustice to the child and to their fellow citizens who pay their taxes that finance education.

My plea tonight to every parent in the state of Alabama is to join us in this commitment. Now, you've heard a lot of talk you've read a lot of headlines about teachers. You talk about schools and you inevitably get around to talking about teachers. The great majority of our teachers are competent and dedicated. Obviously, those that are not should be removed from the classroom by the principals and the superintendent, period. I call on all teachers to reclaim their authority in the classroom to discipline and teach and to do so they must have the full backing of parents, local officials, state board of education, state superintendent of education, the

legislature and the governor. To every classroom teacher in this state tonight I say you have my backing in this regard without equivocation.

Further, our high schools and technical colleges must offer training in the great vocational and industrial skills that underwrite America's productive capacity and industrial might. Now I know what I am talking about, ladies and gentlemen. From the ranks of skilled craftsmen come the leadership of American industry, always has and always will and we in the South need those skills today as we are on the verge of moving this state economically more than ever before. And too, we must ensure the quality of our junior colleges and universities so that any Alabamian with the determination and dedication can reach the highest level of academic excellence without having to leave his home state to do so. But it all starts in grammar school and so often, for too many youngsters, in reality it ends there. Therein is the war on illiteracy. Here is the battle plan that I submit to your good judgment.

You know that we are just finishing the testing in basic skills of every child in every school in this state. The reason for that was to tell us precisely where our problems were grade by grade, school by school, in the basic skills and to look at each of the grades up and down the line so we can know where we stand.

If we have got in any given school 150 fourth graders and 100 of them are doing second grade work and no more, we need to know that. We need to know it now because we have from now until school opens again in September to get ready. And I propose this--that you allow the state superintendent and your governor to have a task force--12 task forces--in this state made up of seven or eight men and women.

Where are these men and women coming from? They are coming from the ranks of the teachers that are out there in the classrooms. As we take these tests and look at them and we see in a school four third grades all the same and we see outstanding performance there then the person teaching in that school is a candidate for one of these teams. But we want them to live in the area. I want this to boil up from the bottom, not come in from the top. We don't want to add to the bureaucratic buffer. We want it to boil up from the bottom. And to do that--that team of people has got to know its business and has got to have a proven record that its contemporaries know and understand or they will never be able to go in and get the cooperation and keep our mind on our goal. They will go into the school where we see the obvious problems and ask in June what are the problems, why is it that we have such a high failure rate, what can we do to help? And they will then stay there

and live there for one full year and monitor the school to see in reality if we can make a difference, because come next May and June we are going to be testing again, no guesswork but testing, to find out exactly where we stand. To do that will cost three million dollars and I ask that be put in the education budget.

Next, when they get in there and may just find that in some grades there are teacher ratios of forty to one and they may decide we need seven or eight new teachers to get the job done. We want to be able to put those teachers right there where the problem is. It may be curriculum, it may be supplies. Whatever it is we want to be able to remedy it before school starts in September. To give you some idea of what that means, if it is 50 schools--and I use that as an example--that is two hundred thousand dollars, that will put 10 teachers in there, 10 teacher units.

I don't believe money is the whole problem. There has got to be a know-how, there has got to be human commitment and there has got to be management and there has got to be accountability. That is what we are trying to do, to do a rifle approach where any child in this state who is not getting the basics is the target.

Kindergartens. Evidence presented to me since I have been in Montgomery causes me to believe that kindergarten helps to bring a child who perhaps comes from a background that is lacking in some things to a position where he is on par with first graders. So, in those schools that suffer the most we want to put in 320 kindergarten units next year--where the need is. Where the need is. And that is six million dollars. And then another million dollars we want to use to buy materials and through a joint program with the state technical colleges we want to use students to fix the classrooms that are in terrible shape. That is twenty million dollars, less than 2% of the total education budget.

And when we come back and when I come back and you come back and we look at it in May and June of next year we will be much closer to the solution of this problem of illiteracy. We will have a record, we will know if we can change it for the better and, if we see that we can, then it makes sense to look at it on a heavier basis. A year from now I can account to you in full the results--by school--of this action. I recommend it, I ask you for it. It will be reflected in the budget that I send up.

Now, let me talk to the Special Education Trust Fund budget. As we review the figures we receive daily from the Finance Department and from Mr. Eagerton over in Revenue, it appears that we are going to have about 30 million dollars in new money. I think twenty million of it needs to capture this program and the

other 10 million approximately is going to be needed to be sure that we wind up with a balanced budget.

The second subject I would like to discuss with you is roads and highways. As I understand it, governors and legislators have been discussing roads and highways ever since the system started and I am sure they will be doing it in the years to come. I don't have to tell you what a transportation system means to this state, what it means to income, what it means to industry, what it means to the safety of our people, what it means to the safety of our school children as they move in their buses from home to school.

You know about the frost action we have had, you know about the floods. I've traveled this state, as many of you have--and I can see it in my mind's eye right now from one end of the Tennessee Valley starting up on Sand Mountain and coming across to the Tri-Cities--and we have problems with our roads and highways. Then you move down to Cullman County and Walker County where the farm-to-market roads of the 50's have simply been ground into dust and in many cases, they are plowing them up because they can't carry the high impact loads of industry and mining today. And then you move eastward into Calhoun and Etowah and you find the same, and as you come down zigzagging to Baldwin County you find a state that has a tremendous capital investment in its transportation system and it is deteriorating.

Not only is it deteriorating but we have got bridges that are unsafe and we know it. Three winters ago I was floating the Patsaliga Creek down in Covington County duck hunting and I floated under a bridge, an old bridge, and I looked up and the main beams were broken. I couldn't believe it. Later I called the highway director, it was then Ray Bass, and I said "Ray, you are not going to believe what I saw down on the Patsaliga Creek in Covington County" and he said, "Fob we have hundreds of bridges just like that."

Now we need to fix those bridges or we are going to have some terrible accidents, some terrible accidents. I am talking about highway dollars now. We are not talking about, as I read in the newspaper, building a larger highway department. The fixed overcost there is scheduled to go down. We are talking about money to buy roads, money to buy resurfacing. We are talking about showing to the Legislature in advance the projects they can expect of a road program if they decide to buy it. I believe it is necessary. I believe it will save the people of Alabama money because their cars are taking a terrible beating on many of our roads. And it is very difficult for them to carpool, as nowadays folks ought to do and want to do, with the price of gasoline going like it is.

In these projects, there will be legislative input, they will be reviewed every legislative session or twice a year. We are in a position in the Highway Department to lay it out. Where you know in advance what you are getting, and I think that is important. There is a price tag on it. You have been reading in the newspapers about a number of proposals. I want us to come down on the right price tag. I want us to look very carefully when we buy a fixed number of roads three years from now or four years from now to see that the price tag is automatically eliminated in the main. But there is no way to do that unless we buy the roads, and we need to buy them as effectively as we can.

So I urge you, through the Joint Highway Committee purposely set up for this, and through our discussions, let's come down on a road program that is right for the state of Alabama and go with it. I look forward to working with you on it.

I want to make mention, too, of the ten captive counties that we have. I believe we are in a position in those captive counties to turn them back over to the local officials and somehow get them enough equipment to where they can maintain their own roads. I believe it will be better for the counties. I believe it will be more responsive and we are prepared to do that. I have great faith in local officials and I like to see them assume their responsibility and they can do that better than the Highway Department. I believe, I believe, that is the right approach. I can't tell you that I know much about government. You have all found out by now by reading the newspapers that I don't know about government. But I can tell you that between Dr. Rainer and some mighty men in the Highway Department that we know how to build roads. If you tell us how many roads you want to build, we will build them cheaper than anybody else in the United States or we will get them built and they will meet the specifications. I think that is what progress is all about.

The Legislature of 1979 has within its grasp a new constitution. It was my desire from the start to put the document right here. As you say, in the bosom of the House or the breast of the Senate, or vice versa. There has been a lot of work on it going back years with the Commission, and the Governor's working party and the joint committee, and they are to be commended. Many long, hard hours have been spent. But the document now is ready.

There was some talk of calling a constitutional convention, but what do you need to call a constitutional convention for when you have got the duly elected representatives of the people in the House and the Senate?

I think we need a new constitution for several reasons. I think it ought to be a statement of principles leaving you with full legislative prerogatives. I believe in a home rule concept, and that is a hard balance to strike between state government and city and county government and I realize that it is a balance that has got to be right. Certainly the elimination of the statewide elections for local business is in order, but that doesn't really get to the heart of the matter. It is a balancing act that gives adequate protection to the various governments. That if it is not done right is very very dangerous. But it can be done right.

I believe, too, in the initiative and in the recall. The initiative, in particular, I think serves a good purpose. And I ask that you consider that. Then comes the subject of craftsmanship. Our constitution has 100,000 words today, the 1901 constitution. The new one has 22,000 words, the average state constitution in America is 25,000 words. I hope you will give the people a new constitution.

I think it would be an outstanding accomplishment for this body, this legislature of 1979 and I like the mix of this body, liked it from the time I first studied it. You have got some seasoned veterans here, a good number of seasoned veterans and also the freshness of a lot of new members. And I am proud to be downstairs while you are working upstairs.

I have told you that I look at our relationship as a partnership. Partners ought to talk to one another. Partners need to be candid with one another. Partners need to tell one another if they are not pleased with what they are doing. And I am going to try to be just as accessible as I can to each and every one of you so that you can come down to my office and say, "Fob, you are out of order." You need to do that when you feel it. I would appreciate it. You are subject daily to your constituency and I can't feel that. But you can tell me what is going on and tell me when we are a little bit wrong or out of order. And I ask for that. I need that.

In closing, let me thank you for allowing me to come here again. Your governor and the Executive Branch will walk the last mile to help you make this session and this legislature the greatest in the history of the state of Alabama. I thank you very much.

**ALABAMA LAWS
And Joint Resolutions
REGULAR SESSION 1979**

Act No. 79-57

H.J.R. 9—Crow, Willis, Campbell,
Blake, Dial, Bennett

HOUSE JOINT RESOLUTION

**CONGRATULATING MISS DEBBIE LYNN WALLACE,
1979 ALABAMA TEXTILE QUEEN.**

WHEREAS, the Legislature of Alabama is please to note the selection of Miss Debbie Lynn Wallace as the 1979 Alabama Textile Queen during pageant finals held January 9, 1979, in Montgomery, Alabama; and

WHEREAS, the lovely and talented Miss Wallace, in competition with contestants statewide, received her crown from then Governor-elect Fob James with members of the Alabama Legislature in attendance as guests of the contest's sponsor, the Alabama Textile Manufacturers Association; and

WHEREAS, Debbie Wallace is from Anniston, Alabama, where during her high school years, she was selected Key Club Sweetheart, Miss Valentine for three consecutive years, Junior Class Beauty and Miss Walter Wellborn High School; she was a cheerleader and a member of the Biology Club and the Pep Club; and

WHEREAS, now a junior at Jacksonville State University, majoring in elementary education, Debbie is a member of Zeta Tau Alpha Sorority, Pi Kappa Phi Fraternity, and the PE Majors Club; she also has been named Miss Calhoun County and was a member of the 1978 Homecoming Queen Court at JSU; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate Debbie Lynn Wallace, the 1979 Alabama Textile Queen, voicing our pride and great pleasure in her selection to serve as our State's beautiful and charming goodwill ambassador for the Alabama textile industry.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Miss Wallace and to her justifiably proud father, Mr. J. D. Wallace of Anniston, that they may know of our sincere praise and

warm best wishes for every future success.

Approved April 26, 1979

Time: 6:00 P.M.

Act No. 79-58

H.J.R. 27—Manley

AN ACT

HOUSE JOINT RESOLUTION

TO AMEND ACT NO. 79-54, HJR 3, 1979 FIRST SPECIAL SESSION, WHICH RELATES TO THE JOINT INTERIM COMMITTEE TO STUDY A NEW CONSTITUTION, SO AS TO PROVIDE FURTHER FOR THE ATTENDANCE AND COMPENSATION OF CERTAIN LEGISLATIVE MEMBERS AT MEETINGS OF SAID COMMITTEE; AND TO PROVIDE CUMULATIVE AND RETROACTIVE EFFECT TO THIS AMENDATORY RESOLUTION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 79-54, HJR 3, 1979 Regular Session is hereby amended to read as follows:

“HOUSE JOINT RESOLUTION CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY A NEW STATE CONSTITUTION.

“BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study all aspects of a new state constitution. The committee shall be composed of 34 members as follows: The Lt. Governor and 17 members of the Senate appointed by the Lt. Governor, and the Speaker of the House of Representatives and 15 members of the House of Representatives appointed by the Speaker. The Lt. Governor and the Speaker of the House of Representatives shall jointly act as chairmen of the committee and shall preside over the meetings of the committee. The committee shall meet upon the call of its chairmen.

“The committee shall study all aspects of a new constitution and shall report its findings, comments and suggestions to the Legislature on the first legislative day of the next special or regular session of the Legislature, on which date the committee hereby established shall automatically be terminated and shall have no further legal function or existence.

"The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session. In addition, any other legislative member who attends any meeting of the committee shall be paid their regular legislative compensation for each day's attendance at any such meeting, upon the written approval of the Speaker of the House and Lt. Governor. The payment of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the Legislature."

The provisions of this amendatory resolution are curative, cumulative and retroactively effective to January 26, 1979. Any payments heretofore or hereafter made pursuant to this resolution are expressly ratified and confirmed.

Approved April 26, 1979

Time: 6:00 P.M.

Act No. 79-59

H.J.R. 8—Bennett, Waggoner, Hilliard

HOUSE JOINT RESOLUTION

COMMENDING THE BIRMINGHAM-SOUTHERN COLLEGE BASKETBALL TEAM.

WHEREAS, the Birmingham-Southern College Panthers went 29-4 on the season earning them their second straight appearance in the national small college tournament in Kansas City, Missouri; and

WHEREAS, 'Southern not only won the Southern States Conference for the second year in a row but successfully defended its National Association of Intercollegiate Athletics District 27 title; and

WHEREAS, 'Southern, under first year coach Greg Walcavich, continues to build on its reputation as a national small college power; and

WHEREAS, such attention brings great credit on Alabama by giving 'Southern's well-known academic standing an outstanding athletic component; and

WHEREAS, all five starters for 'Southern this year ended the season in double figures; and

WHEREAS, the 29-4 season gave the Panthers their ninth straight winning season and their fourth NAIA bid in the last six years, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Birmingham-Southern College Panthers for another outstanding season in which they brought great credit on the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to coach Greg Walcavich, B-SC Athletic Director Don Green and Birmingham-Southern President Neal R. Berte.

Approved April 26, 1979

Time: 6:00 P.M.

Act No. 79-60

H.J.R. 30—Moore, Wagner, Smith (C)

HOUSE JOINT RESOLUTION

NAMING COLUMBIANA ELEMENTARY SCHOOL IN COLUMBIANA, SHELBY COUNTY, ALABAMA, THE "ELVIN HILL ELEMENTARY SCHOOL."

WHEREAS, Mr. Elvin Hill of Columbiana, Alabama, served the educational needs of our state's youth for more than thirty years; his entire career was spent in Shelby County as first a teacher, a principal, and as Superintendent of Schools; and

WHEREAS, at the time of his retirement, in 1979, his was the longest tenure of any elected superintendent in the entire State of Alabama; and

WHEREAS, in other areas, Mr. Hill gave generously of his time, contributing immeasurably to the civic, religious and charitable affairs of his community, both through membership and active participation in numerous organizations and clubs of worthy purpose and cause; and

WHEREAS, it is both fitting and proper that an educator and citizen of such stature should be honored appropriately and commensurately to his extraordinary ability and selfless service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates the Columbiana Elementary School, Shelby County, Alabama, the "Elvin Hill Elementary School."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized and directed to erect and maintain appropriate signs and markers so designating said school as the "Elvin Hill Elementary School."

RESOLVED FURTHER, That Mr. Hill be advised, by copy of this resolution, of this honorary designation in appreciation of dedicated service to his profession.

Approved April 26, 1979

Time: 6:00 P.M.

Act No. 79-61

H.J.R. 2—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING. That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved April 26, 1979

Time: 6:00 P.M.

Act No. 79-62

H.J.R. 29—Minus

AN ACT

HOUSE JOINT RESOLUTION

COMMENDING THE SUMTER COUNTY RURAL DEVELOPMENT COMMITTEE

WHEREAS, the Sumter County Rural Development Committee was judged best in the state for its work in 1974; and

WHEREAS, in 1975, the United States Department of Agriculture - in a move not done previously or since - picked one county as the best in the nation in Rural Development, Sumter was that county; and

WHEREAS, the Committee has assisted in getting financial help for rural development for Sumter County, has continuously supported the Tennessee-Tombigbee Project, promotes a Keep America Beautiful program called Cleaner Sumter County and has shown an outstanding commitment to working with a great variety of government agencies at all levels, educational institutions, private groups, and citizens at large; and

WHEREAS, at a Rural Development awards luncheon in

Montgomery, Alabama, Governor Fob James presented the top award to Percy Nixon, outgoing chairman of Sumter County's Rural Development Committee for being the Number One County in the state in Rural Development for 1978.

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That: The Legislature of the State of Alabama on behalf of all the people of this State wholeheartedly congratulate the members of the Sumter County Rural Development Committee for their dedication and hard work.

NOW BE IT FURTHER RESOLVED, That: A copy of this Resolution be sent to the Chairman of the Sumter County Rural Development Committee.

Approved May 1, 1979

Time: 5:30 P.M.

Act No. 79-63

H.J.R. 31—Starkey, Greer, Coburn,
Adams (C), Adams (H),
Albright, Amari, Barton,
Bedsole, Bennett, Biddle,
Blake, Boles, Bowling,
Brakefield, Buskey, Cabaniss,
Campbell, Carothers, Carter,
Cates, Cheatwood, Clark,
Cobb, Cooley, Cosby, Crow,
Daniels, Dial, Dixon,
Drinkard, Edwards, Ford,
Gafford, Gilmer, Goodwin,
Gregg, Grimsley, Grouby,
Hall, Hammett, Harper,
Harrison, Harvey, Hilliard,
Hines, Holley, Holmes, Horn,
Howard, Jackson,
Johnson (R.G.), Johnson
(Roy), Kelley, Kennedy (C),
Kennedy (Y), Laird,
Langford, Letson, Lewis,
McCorquodale, McKee,
McMillan, Manley, Minus,
Mitchell, Moore, Naramore,
Nevett, Olive, Owens, Parker,
Patton, Payne, Pegues,
Penry, Rains, Ray, Reed,
Riddick, Roberts, Sandusky,

Sasser, Seibels, Shavers,
 Shoemaker, Smith (C),
 Smith (J), Smith (M),
 Stewart, Stout, Trammell,
 Tucker, Turner, Turnham,
 Venable, Waggoner, Ward,
 Warren, Whatley, Williams,
 Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING THE UNIVERSITY OF NORTH ALABAMA, NCAA DIVISION II NATIONAL BASKETBALL CHAMPIONS.

WHEREAS, it is with extreme pride and pleasure that the Legislature of Alabama salutes the Lions of the University of North Alabama who captured the NCAA Division II National Basketball Championship, March 16 and 17, 1979, in Springfield, Missouri; and

WHEREAS, first defeating Bridgeport University 85-82 in the semi-finals, UNA then dealt the crowning blow, 64-50, in championship play against the University of Wisconsin-Green Bay; and

WHEREAS, number one for the UNA Lions is also a first for Alabama, the first national basketball title for any four-year institution in our state and a sports triumph that has added a new page to Alabama's history of national champions; and

WHEREAS, All-American Otis Boddie, along with Perry Oden and Ron Darby, are UNA's Cagers with individual honors, outstanding athletes whose prowess on the court is backed, balanced and boosted by starting teammates Gerald Lavender, Bobby Montgomery and Garry Moore; Albert Owens, Timmy Morgan, Tim McCormick, Pat Lewallen, Billy Hill, Herbert Hooks, Mark Smith and Paul Musser complete and complement the roster of champions superbly coached by Bill Jones and his assistant, Tommy Suits; and

WHEREAS, also sharing national honors with the Lions are: Trainer, Johnny Long; managers, Butch Jones and Jerry Crowell; student coach, Steve Sanders; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we proudly congratulate and commend the University of North Alabama, NCAA Division II Champions and winner of Alabama's first national basketball title.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Robert M. Guillot and Sports Information Director Mike Galloway for appropriate display and a copy to Coach Jones on behalf of his entire championship team.

Approved May 1, 1979

Time: 5:30 P.M.

Act No. 79-64

H.J.R. 37—Buskey

HOUSE JOINT RESOLUTION

CREATING A JOINT COMMITTEE TO STUDY AVAILABILITY OF ADDITIONAL LEGISLATIVE OFFICE SPACE.

WHEREAS, there exists a serious shortage of office space for members and staff of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to study the availability and feasibility of acquiring additional office space for members of the legislature. The committee shall be composed of six members as follows: The Speaker of the House of Representatives shall select three House members and the Lieutenant Governor shall select three Senate members. The committee shall elect from among its members a chairman, and the committee shall meet upon the call of the chairman. The committee shall report its findings and suggestions to the legislature no later than the 20th legislative day of the 1979 regular session of the legislature. Upon reporting to the legislature, the committee hereby created shall be terminated.

Approved May 1, 1979

Time: 5:30 P.M.

Act No. 79-65

H.J.R. 45—Dixon, Adams (C),
Adams (H), Albright, Amari,
Barton, Bedsole, Bennett,
Biddle, Blake, Boles,
Bowling, Brakefield, Buskey,
Cabaniss, Campbell,
Carothers, Carter, Cates,
Cheatwood, Clark, Cobb,
Coburn, Cooley, Cosby, Crow,
Daniels, Dial, Drinkard,

Edwards, Ford, Gafford,
 Gilmer, Goodwin, Greer,
 Gregg, Grimsley, Grouby,
 Hall, Hammett, Harper,
 Harrison, Harvey, Hilliard,
 Hines, Holley, Holmes, Horn,
 Howard, Jackson,
 Johnson (R.G.),
 Johnson (Roy), Kelley,
 Kennedy (C), Kennedy (Y),
 Laird, Langford, Letson,
 Lewis, McCorquodale,
 McMillan, Manley, McKee,
 Minus, Mitchell, Moore,
 Naramore, Nevett, Olive,
 Owens, Parker, Patton,
 Payne, Pegues, Penry, Rains,
 Ray, Reed, Riddick, Roberts,
 Sandusky, Sasser, Seibels,
 Shavers, Shoemaker,
 Smith (C), Smith (J), Smith
 (M), Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable,
 Waggoner, Ward, Warren,
 Whatley, Williams, Willis,
 Wyatt, Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. ED SULLIVAN, JR.,
 ON THE BIRTH OF THEIR FIRST CHILD.

WHEREAS, it is with shared pleasure and joy that the Legislature of Alabama notes the birth of a beautiful baby daughter, born April 17, 1979, in Montgomery, Alabama, to our good friend Ed Sullivan, Jr., and wife Margaret; and

WHEREAS, a Tuesday child, little Margaret Ann is "full of grace," all seven pounds and two ounces, and is a first child who already is a source of great pride and joy to her parents; and

WHEREAS, the members of the Legislature are pleasantly associated with Ed through his business as a printer and, as a master of his trade, he is indeed to be congratulated on this latest delivery of a carbon copy of his lovely wife, Meg; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we warmly congratulate our friends, Ed and Meg Sullivan, on the birth of a beautiful baby girl for whom we wish a long lifetime of happiness, wisdom and joy.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Mr. and Mrs. Ed Sullivan, Jr., and one for little Margaret Ann that she may later know of our warm wishes for every success and happiness in life.

Approved May 1, 1979

Time: 5:30 P.M.

Act No. 79-66

S.J.R. 2—Callahan

SENATE JOINT RESOLUTION

COMMENDING MRS. EDITH CASSIE VAUGHAN

WHEREAS, Mrs. Edith C. Vaughan is a native of Mobile County, Alabama, and is the daughter of the late William Cassie, who was a native of Scotland, and the late Martha Cassie, who was a native of Sweden; and

WHEREAS, She, when approximately 17 years of age, commenced working for the Probate court of Mobile County where she remained for a period of 52 years, retiring from service in 1973 having served with eight different Probate Judges; and

WHEREAS, for several years she held the position of Chief Clerk of the Probate Court with primary responsibility of the judicial division where she met the responsibilities of that position with firmness, complete understanding and knowledge of the subject, yet at the same time with diplomacy; and

WHEREAS, she is held in high regard and esteem by the membership of the Mobile Bar Association for her knowledge and dedication to the legal system of this State; and

WHEREAS, She was named First Lady of Mobile in 1968 by a selection sponsored by the City Council of Beta Sigma Phi Sorority; and

WHEREAS, in 1972 the Alabama Probate Judges Association honored her by making her an Honorary Probate Judge in the State of Alabama by unanimous resolution; and

WHEREAS, She was elected as a member of the Mobile County Personnel Board on September 15, 1976, thus being the first woman to be elected to that Board. Said Board being responsible for over 4,000 public employees; and

WHEREAS, she was elected as chairperson of the Mobile County Personnel Board on April 5, 1977, and is currently serving in that capacity; and

WHEREAS, she was elected by the congregation to the Board of Deacons of the Government Street Presbyterian Church in 1977; and

WHEREAS, since retirement from the Probate Court in 1973 she has acted as an advisor and consultant to the Probate Court without reward or compensation;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we warmly commend Mrs. Vaughan for her outstanding leadership and guidance which she has so diligently provided to the People of Mobile County and the State of Alabama. Her untiring efforts and valuable services which she has so generously contributed are deeply appreciated. We commend her for setting an example for all citizens of this State.

RESOLVED FURTHER that a copy of this resolution be sent to Mrs. Edith C. Vaughan.

Approved May 1, 1979

Time: 5:30 P.M.

Act No. 79-67

S.J.R. 8—Kirkland, Bailey, Barron,
 Britnell, Callahan, Clemon,
 Cook, deGraffenried, Denton,
 Figures, Glass, Goodwin,
 Gullede, Hall, Harrison,
 Higginbotham, Holmes,
 Keener, Lemaster, Little,
 McDonald, Martin, Miller,
 Mitchem, Parsons, Pearson,
 Proctor, Robertson, Smith,
 St. John, Taylor, Teague,
 Vacca, Weeks and White

SENATE JOINT RESOLUTION

EXTENDING AN INVITATION TO ALABAMA'S CONGRESSIONAL DELEGATION TO ATTEND AND ADDRESS THE 1979 REGULAR SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, the direction of the United States Congress

during the next four years is of utmost importance to the members of the Legislature of Alabama and to all citizens of our State; and

WHEREAS, among many areas of direct bearing on our State is the planned use of federal funds in Alabama which would substantially affect our appropriation and utilization of state revenues; and

WHEREAS, cooperation between the Congress and our State legislature is not only desirable, but is vitally necessary for maximum achievement by this body in the best interest of the State of Alabama and its citizenry; and

WHEREAS, our representatives in Washington, with insight and understanding of the problems facing our nation, the Southeast and our State, are in a position to advise and inform that we might better and more wisely assume the leadership for which we were elected for the next four years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully request the Alabama Congressional Delegation to attend and address the 1979 Regular Session of the Alabama Legislature.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby requested to inform our representatives in Washington, by copies of this resolution, of our invitation, and of our respectful request that, following conference among themselves, we be notified as to when they will be available to speak.

Approved May 1, 1979

Time: 5:30 P.M.

Act No. 79-68

S.J.R. 19—Kirkland

SENATE JOINT RESOLUTION

DESIGNATING THE MUSEUM AND FINE ARTS BUILDING AT THE JEFFERSON DAVIS STATE JUNIOR COLLEGE IN BREWTON THE "THOMAS E. McMILLAN MUSEUM AND FINE ARTS BUILDING"

WHEREAS, the ancestors of Thomas E. McMillan formerly owned and lived on the land where the Jefferson Davis State Junior College is now located in Brewton; and

WHEREAS, Thomas E. McMillan was a charter member and active trustee of the Escambia County Historical Society until his death; and

WHEREAS, Thomas E. McMillan received an award of merit from the Alabama Historical Commission in recognition of his efforts as a long-time preservationist and historian; and

WHEREAS, the Thomas E. McMillan estate has contributed a sizable sum to the Escambia County Historical Society for the purpose of helping build and support a museum and fine arts building to be established at Jefferson Davis State Junior College; and

WHEREAS, the Thomas E. McMillan family has an outstanding collection of artifacts and historical objects of museum quality that will be used as a nucleus of a fine historical museum at Jefferson Davis State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That to perpetuate the memory of this generous man and his many contributions to his community and to Jefferson Davis State Junior College in particular, the museum and fine arts building established at Jefferson Davis State Junior College in Brewton shall be designated the "Thomas E. McMillan Museum and Fine Arts Building."

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to send copies of this resolution to the family of Thomas E. McMillan and to the President of Jefferson Davis State Junior College.

Approved May 1, 1979

Time: 5:30 P.M.

Act No. 79-69

H. 83—Cobb

AN ACT

To repeal Act No. 58, H. 39, approved April 13, 1955, Second Extraordinary Session 1955 (Acts of Alabama 1955, p. 170), entitled, "An Act Relating to Marion County; levying a county privilege license tax on electric and hydro-electric public utilities, providing for the collection and enforcement of such tax and for the distribution and use of the proceeds thereof."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 58, H. 39, approved April 13, 1955, Second Extraordinary Session 1955 (Acts of Alabama 1955, p. 170), entitled, "An Act Relating to Marion County; levying a county privilege license tax on electric and hydro-electric public utilities, providing for the collection and enforcement of such tax and for the distribution and use of the proceeds thereof," and all amendatory

acts thereto, are hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1979

Time: 4:30 P.M.

Act No. 79-70

H.J.R. 40—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, April 24, 1979, we adjourn to meet again on Thursday, April 26, 1979; when we adjourn on Thursday, April 26, we adjourn to meet again on Tuesday, May 1, 1979; and when we adjourn on Tuesday, May 1, we adjourn to meet again on Thursday, May 3, 1979.

Approved May 8, 1979

Time: 4:00 P.M.

Act No. 79-71

H.J.R. 51—Holley

HOUSE JOINT RESOLUTION

CREATING A COMMITTEE TO STUDY THE FEASIBILITY OF CONSTRUCTING A BUILDING TO HOUSE THE HIGHWAY DEPARTMENT AND CONVERTING THE PRESENT BUILDING FOR LEGISLATIVE AND OTHER DEPARTMENTAL USE, AND TO CONSIDER BUYING AND HOLDING ADDITIONAL PROPERTY FOR FUTURE USE.

WHEREAS, the State of Alabama already owns property near or adjacent to buildings currently in use by the State Highway Department; and

WHEREAS, the Highway Department can function and perform their duties equally as well away from the Capitol Complex as they do now in their present location, but legislative offices and some other state departments, by virtue of the services they perform, must and should be located in close proximity to the Capitol; and

WHEREAS, should additional property be needed in the future by the Highway Department, it is only logical and fiscally responsible that property be purchased in an area where property

values are much lower than those in the downtown or Capitol area; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to study the feasibility of constructing a building to house the Highway Department on state-owned property where the highway shops are now located, and convert the present Highway Department building for use by the Legislature and by other state departments that need to remain close to the Capitol Complex but are currently located in buildings leased from private owners. Such committee shall be composed of three members from the House of Representatives and three members from the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from their membership a chairman. The committee shall consider the state's buying the property East of the Capitol, between Washington and Monroe, and using any suitable buildings thereon as a source of rental income for the state until such property is needed for building purposes. If, however, said buildings are unusable, the state shall be authorized to demolish them and hold this property for use as needed in the future to expand the Capitol Complex for departments needing close physical access to the Capitol.

Upon the request of the chairman of such committee, the secretary of the Senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the 20th legislative day of the 1979 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

Approved May 8, 1979

Time: 4:00 P.M.

Act No. 79-72

H.J.R. 54—Laird, Dial

HOUSE JOINT RESOLUTION

NAMING THE MULTI-USE BUILDING AT SOUTHERN UNION STATE JUNIOR COLLEGE IN WADLEY, ALABAMA, "THE VERNON L. CARTER BUILDING."

WHEREAS, Mr. Vernon L. Carter was born in Chambers County, Alabama, in 1898 and has resided in Randolph County most of his 81 years where he has been a prominent businessman, farmer and citizen; and

WHEREAS, following Army service in World War I and brief employment in Georgia, Mr. Carter returned to Wadley in 1920; he then operated a drug store for 25 years and farmed for an even longer period, retiring in 1964; and

WHEREAS, Mr. Carter has been a member of the United Church of Christ and its previous denominational designations since 1911 and has served in many capacities including trustee, treasurer, secretary and deacon; he is a long-time Mason, a member of the American Legion and is active in community and civic affairs; and

WHEREAS, Mr. Carter has resided adjacent to the Southern Union campus for over 50 years and has been interested in and has served the college in many important positions since its charter in 1922 including service, without pay, as treasurer of the college for 15 years and later as trustee for many years; and

WHEREAS, Mr. Carter played a prominent role in keeping the college operating during difficult early years through his service as treasurer and in retaining the college in Wadley when an effort was made to move it to another location and has maintained his interest in the institution and its activities even after retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the multi-use building at Southern Union State Junior College in Wadley, Alabama, is hereby named and designated "The Vernon L. Carter Building."

BE IT FURTHER RESOLVED, That the proper school authorities are directed to cause appropriate signs and markers to be erected and maintained in so designating said building as "The Vernon L. Carter Building."

RESOLVED FURTHER, That Mr. Carter be advised by copy of this resolution of this honorary designation in appreciation and recognition of his loyalty and service to Southern Union State Junior College.

Approved May 8, 1979

Time: 4:00 P.M.

Act No. 79-73

H.J.R. 59—Harrison

HOUSE JOINT RESOLUTION

TO AMEND ACT NO. 79-7, PROVIDING ADDITIONAL PER DIEM EXPENSE ALLOWANCES FOR LEGISLATORS AND CREATING A COMPENSATION STUDY COMMISSION SO AS TO EXTEND THE TIME OF STUDY BY SUCH COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 79-7, approved January 17, 1979, Organizational Session 1979, entitled "Senate Joint Resolution, TO PROVIDE ADDITIONAL PER DIEM EXPENSES ALLOWANCES AND TO CREATE A COMPENSATION STUDY COMMISSION TO STUDY LEGISLATIVE EXPENSES AND MAKE RECOMMENDATIONS TO THE LEGISLATURE FOR EXPENSE ALLOWANCES BY THE FIFTH DAY OF THE REGULAR SESSION OF 1979," is hereby amended to read as follows:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 1, HJR 9, approved January 10, 1979, Organizational Session 1979, entitled "House Joint Resolution, TO PROVIDE ADDITIONAL PER DIEM EXPENSES ALLOWANCES AND ADDITIONAL MONTHLY EXPENSE ALLOWANCES TO MEMBERS OF THE LEGISLATURE," is expressly repealed.

"BE IT FURTHER RESOLVED, That each member of the Legislature shall be entitled to and shall be paid an additional fifteen dollars per diem for expenses incurred in the performance of his duties for the duration of any regular or special session of the legislature. Such expense allowance shall be in addition to all other allowances and expenses heretofore provided for members of the legislature.

"RESOLVED FURTHER, That each member of the Legislature shall be allowed an additional one hundred dollars a month for expenses incurred in the performance of his duties, to be paid at the end of each month during his term.

"AND FURTHER RESOLVE, That there is hereby created an independent Compensation Study Commission to be composed of seven non-government citizens of Alabama, three members being appointed by the Governor, two members by the Chief Justice of the Alabama Supreme Court and two members by the Alabama Attorney General.

“Said committee shall elect from its membership a chairman. Said committee shall study the question of legislative expense allowance including all reasonable and necessary and proper expenses incurred in connection with food, lodging and travel, expenses such as district offices, and any other reasonable expenses, and, after conducting said study and after having made comparisons with regard to expense allocations of legislatures in the several states, made recommendations to the legislature by the twentieth day of the 1979 Regular Session as to what is reasonable and proper in 1979.

“The legislature will vote by recorded vote to accept or reject the recommendations of the committee which shall be submitted by resolution. If accepted, the recommendations will be the new allocation for expenses; if rejected, the then existing pay and expenses will continue as presently in force.

“Members of the Compensation Study Commission shall receive the same pay and allowances as a member of the Legislature for each day they meet. Clerical assistance to carry out the provisions of this act shall be furnished said study commission by the Clerk of the House of Representatives and the Secretary of the Senate.

“RESOLVED FURTHER, That this order will take effect upon approval thereof by the Governor as provided in Article 5, Section 125 of the Constitution.”

Approved May 8, 1979

Time: 4:00 P.M.

Act No. 79-74

S.J.R. 11—Keener

SENATE JOINT RESOLUTION

TO REPEAL ACT NO. 974, H.J.R. 166, REGULAR SESSION 1973, NAMING THE COOSA RIVER BRIDGE ON HIGHWAY 77 AT SOUTHSIDE, ALABAMA AFTER STATE SENATOR RICHARD MALONE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 974, H.J.R. 166, approved September 5, 1973, Regular Session 1973, naming the Coosa River Bridge on Highway 77 at Southside, Alabama after State Senator Richard Malone, is expressly repealed.

Approved May 8, 1979

Time: 4:00 P.M.

Act No. 79-75

S.J.R. 15—Keener

SENATE JOINT RESOLUTION

ADVOCATING THE ELIMINATION OF THE STATUTE OF LIMITATIONS ON NAZI WAR CRIMINALS.

WHEREAS, it is a reprehensible policy that would assume that the moral obligation for the mass murder of over 11,000,000 innocent victims of the Holocaust can be eliminated by the passage of time; and

WHEREAS, the statute of limitations of the German Federal Republic relating to Nazi war criminals is scheduled to expire on December 31, 1979; and

WHEREAS, if said statute of limitations does expire, no investigation of murder, including genocide, committed by Nazi war criminals can be initiated after that date; and

WHEREAS, if said statute of limitations does expire, thousands of Nazi war criminals who were actively involved in the calculated and brutal murder of millions of innocent victims will be rewarded for having evaded justice; and

WHEREAS, crimes of lesser horror than genocide are subject to no statute of limitations either in Alabama or numerous other jurisdictions; and

WHEREAS, it is in the interest of all free people that new generations not be allowed to forget the dangers and consequences of the crime of genocide; and

WHEREAS, an international campaign to convince the German Federal Republic to eliminate or extend the current statute of limitations has been initiated by a broad base of concerned organizations and individuals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Government of the United States to urge the German Federal Republic and the legislators of that nation to abolish or extend to the end of this century the statute of limitations relating to Nazi war criminals.

BE IT FURTHER RESOLVED, That we also respectfully request that the President and Secretary of State of the United States communicate the contents of this resolution on behalf of the people of the State of Alabama to the following national leaders of the West German Federal Republic: the President, the Chancellor, the Ambassador to the United States, the Chief Justice of the Supreme Court and the National Legislators.

RESOLVED FURTHER, That the Secretary of the Alabama Senate send copies of this resolution to the following United States Government officials: the President, the Secretary of State, the Speaker of the House of Representatives, the Majority Leader of the Senate, the Members of the National Security Council and all members of the Alabama Congressional Delegation in Washington, D.C.

Approved May 8, 1979

Time: 4:00 P.M.

Act No. 79-76

H.J.R. 61—Manley

HOUSE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE TO STUDY SALARIES AND RELATED MATTERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Committee to study salaries, fringe benefits, social security benefits, retirement benefits, insurance, supernumerary status and related matters of employees of both public and private enterprise.

Said committee shall have the power to subpoena records and direct government agencies to cooperate with the committee. Said committee shall also have power to punish for contempt.

Said committee shall consist of four members of the House of Representatives to be appointed by the Speaker of the House of Representatives and four members from the Senate to be appointed by the President of the Senate. The members shall select a chairman from among themselves. The committee shall meet upon the call of the chairman, but meetings shall be called only when absolutely necessary. The committee members shall be entitled to their regular legislative compensation, per diem and travel expenses for each day said members attend a meeting of the committee. Said compensation shall be paid out of any funds appropriated to the use of the legislature. Said committee shall

report their findings and recommendations to the legislature by the first legislative day of the 1980 Regular Session. The Clerk of the House and the Secretary of the Senate shall furnish the committee with any necessary clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the use of the legislature.

Approved May 8, 1979

Time: 4:00 P.M.

Act No. 79-77

H.J.R. 93—Mitchell

HOUSE JOINT RESOLUTION

COMMENDING THE WEST ALABAMA EMERGENCY MEDICAL SERVICES.

WHEREAS, the West Alabama Emergency Medical Services, founded in 1975 to coordinate and improve the emergency medical care system of its member counties, has, since its inception, relentlessly pursued its goal of reducing death and disability throughout this area of our state; and

WHEREAS, the success of this outstanding service organization may be measured by its recognition by the Department of Health, Education and Welfare as one of the most outstanding medical programs of its kind in the nation; and

WHEREAS, the West Alabama Emergency Medical Services, recipient of HEW's "Exemplary Project Award" is composed of the West Alabama counties of Bibb, Fayette, Greene, Hale, Lamar, Pickens and Tuscaloosa; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in gratitude and high praise, we hereby commend the West Alabama Emergency Medical Services for its highly successful promotion of the health, welfare and safety of the citizens of its member counties.

BE IT FURTHER RESOLVED, That we congratulate this organization on its HEW "Exemplary Project Award" and direct that the West Alabama Emergency Medical Services receive a copy of this resolution in token of our appreciation and esteem.

Approved May 9, 1979

Time: 9:30 A.M.

Act No. 79-78

H.J.R. 24—Dial

HOUSE JOINT RESOLUTION

CREATING A JOINT LEGISLATIVE STUDY COMMITTEE TO STUDY THE STATE INCOME TAX STRUCTURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative study commission to study the state income tax structure. The committee shall consist of three members of the House and three members of the Senate appointed by the presiding officer of each body. The chairman of the committee shall be selected from among the members. The committee shall make a study of the state income tax structure and inquire into the way and means of improving the state income tax structure. The committee shall report its findings to the Legislature not later than the twentieth legislative day of the 1979 Regular Session, and shall thereupon stand dissolved. The members of the committee shall not receive any additional compensation for service on the committee. The Clerk of the House shall furnish the committee with a clerk and any other necessary clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the use of the Legislature.

Approved May 10, 1979

Time: 4:45 P.M.

Act No. 79-79

H.J.R. 36—Venable, Grouby

HOUSE JOINT RESOLUTION

CONGRATULATING ELMORE COUNTY HIGH SCHOOL, THE 1978 STATE 2A FOOTBALL CHAMPIONS.

WHEREAS, the Alabama House of Representatives is pleased to note the second State 2A Football Championship captured by the Panthers of Elmore County High; and

WHEREAS, winning the crown in 1976, and again in 1978, the Panthers are the first and only 2A school in the State of Alabama ever to win two state championships outright; and

WHEREAS, coached to championship by Terry Burt, 15-year veteran head coach at Elmore County High School, the Panthers'

phenomenal '78 season culminated in victories in the area, region, quarter finals and state finals to become eligible for the playoffs, with all members of the squad working together, as one, and with diligence and dedication, to achieve this remarkable goal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Elmore County High School on their 1978 title and on becoming the first 2A school in Alabama to twice capture the state football championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Terry Burt on behalf of his Champion Panthers with a copy also provided for appropriate school display.

Approved May 10, 1979

Time: 4:45 P.M.

Act No. 79-80

H.J.R. 35—Venable, Grouby

HOUSE JOINT RESOLUTION

COMMENDING THE WETUMPKA HIGH SCHOOL BASKETBALL TEAM ON WINNING THE 3A STATE CHAMPIONSHIP.

WHEREAS, the Indians of Wetumpka High School claimed the State 3A Crown at the University of Alabama's Memorial Coliseum, March 10, 1979, for the school's first state championship in any sport; and

WHEREAS, Wetumpka's Indians enjoyed a remarkable 29-1 season record, an accomplishment that must be credited in great measure to Head Coach Stokely Bazemore for his talented direction and leadership in developing the high level of technical skill displayed by his team throughout the entire season; winning the crown was the culmination of many long hours of dedicated practice and discipline on the part of both coach and players alike; and

WHEREAS, each member of Wetumpka High's outstanding team is to be congratulated for his part in the Indian's fine season and championship victory: Alphonzo Cook, Martin Crenshaw, Jerry Holt, Lewis Jackson, Bernard Mack, Curtis Mitchell, Steve Slaughter, Greg Terrell, Lewis Washington and Danny Williams; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the Wetumpka High School Indians for their outstanding season and for their 3A basketball championship victory.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Stokely Bazemore on behalf of his entire team of champions, with a copy also provided for appropriate school display.

Approved May 10, 1979

Time: 4:45 P.M.

Act No. 79-81 S.J.R. 20—Little, Holmes and deGraffenried

SENATE JOINT RESOLUTION

PROVIDING FOR A JOINT LEGISLATIVE TECHNICAL ASSISTANCE PROGRAM.

WHEREAS, the Alabama Legislature finds that many of the policy issues confronting it are becoming more complex and that it would be of benefit to have the input and analysis of non-advocative specialists, particularly in matters involving energy, environment, natural resources, transportation, health, human resources, economic development, the social sciences and other sciences-related areas; and

WHEREAS, it further finds that major potential resources for providing information in these areas exists in state supported universities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature establish a Legislative Technical Assistance Program for the purpose of utilizing the resources of the several accredited state universities which in turn find it not to be detrimental to their regular educational activities; that the Legislative Technical Assistance Program shall be under the direction and supervision of a joint Legislative Technical Assistance Committee consisting of the Executive Assistant to the Lieutenant Governor, the Executive Assistant to the Speaker of the House, the Director of the Legislative Reference Service or his staff nominee, three members of the Senate to be appointed by the Lieutenant Governor, and three members of the House to be appointed by the Speaker. The chairman of the committee shall be

elected from the membership. The Executive Assistant to the Lieutenant Governor and the Executive Assistant to the Speaker of the House shall serve as vice chairmen, and shall preside in the absence of the chairman, or at his direction.

In order to establish proper liaison, procedures, and communication between the Legislature and participating colleges and universities, there shall be established a University Coordinating Committee which shall consist of members of the Legislative Technical Assistance Committee plus one representative of participating accredited four-year colleges and universities to be appointed by the presidents of those institutions. The chairman of the Legislative Technical Assistance Committee shall serve as chairman of the University Coordinating Committee, and the vice chairman of the Legislative Technical Assistance Committee shall serve as vice chairman of the University Coordinating Committee. The Legislative Technical Assistance Committee shall have final authority to approve or disapprove acts or decisions of the University Coordinating Committee.

The Legislative Technical Assistance Committee may appoint a University Technical Assistance Coordinator. The University Technical Assistance Coordinator, under the direction of the committee, shall maintain liaison between the principal representatives of the Legislature and designated representatives of participating colleges and universities. Upon request for scientific or technical assistance he shall, through established lines of communication, contact and select qualified specialists or teams of specialists from participating colleges or universities to assist the state legislature. He may obtain information from federal and state agencies, science and technically oriented professional societies, or others as the nature of requests may merit. He shall monitor and coordinate the results obtained from the several sources and convey the results of such investigations, studies and advice to the designated assistants of the House and Senate. He shall, at all times, keep his reporting factual and non-advocative.

The participating universities and colleges shall provide for the compensation of their faculties who from time to time are assigned to legislative technical assistance projects. Such compensation for release time and travel expenses of the persons involved shall be in accordance with standard university policies. To help allay the costs of the program, the Lieutenant Governor and the Speaker of the House may jointly or separately apply for and receive grants or other forms of aid from the federal government, private foundations or other private groups, corporations or persons toward the fulfillment of the purposes of this Resolution.

Any funds granted to the Alabama Legislature in pursuit of the goals of the Legislative Technical Assistance Program shall be expended according to guidelines to be established by the Legislative Technical Assistance Committee.

Approved May 10, 1979

Time: 4:45 P.M.

Act No. 79-82

S.J.R. 25—Parsons and Cook

SENATE JOINT RESOLUTION

HONORING JUDGE HARRY E. PICKENS OF
BESSEMER, JEFFERSON COUNTY, ALABAMA.

WHEREAS, the Alabama Senate notes with approbation the distinguished career of Judge Harry E. Pickens of Bessemer, Jefferson County, Alabama, who retired February 28, 1979, as Judge of the 10th Judicial Circuit; and

WHEREAS, Judge Pickens, a native and lifelong resident of Bessemer, is a veteran of World War II and a 1954 graduate of the University of Alabama School of Law; and

WHEREAS, he served in the solicitor's office in Birmingham from 1955 until 1968 at which time he undertook the position of Deputy District Attorney for the Tenth Judicial Circuit, Bessemer Division, continuing in that capacity until 1973; and

WHEREAS, on October 1, 1973, Harry Pickens assumed the Bench, serving Alabama's Tenth Judicial Circuit with distinguished acumen until his recent retirement in February; and

WHEREAS, in addition to his outstanding legal career and service on the Bench, Judge Pickens has been active also in many of the social, civic, educational and religious affairs of his community; he is an actively involved member of the Baptist Church, a Mason, a past member of the board of directors of the YMCA and has been active for many years with the Boy Scout program; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly honor and commend Judge Harry E. Pickens on his distinguished career and for his many long years of laudable service to his community, state and country; we further congratulate Judge Pickens on his recent retirement, wish him every future success and direct that he receive a copy of this

resolution that he may know of our praise and warm best wishes.

Approved May 10, 1979

Time: 4:45 P.M.

Act No. 79-83

H. 16—Dial

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said Town all of the following described territory:

The South Half of the Southeast Quarter ($S\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 16; the South Half of the Southwest Quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$) of Section 15; the South Half of the South Half of the Northeast Quarter ($S\frac{1}{2}$ of $S\frac{1}{2}$ of $NE\frac{1}{4}$), the East Half of the West Half of the Southeast Quarter ($E\frac{1}{2}$ of $W\frac{1}{2}$ of $SE\frac{1}{4}$), the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) westwardly of Lock 4 Road, all in Section 20; All of Section 21; the West Half ($W\frac{1}{2}$) of Section 22; the West Half of the Southwest Quarter of the Southwest Quarter ($W\frac{1}{2}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 25; The South Half of the South Half of the Southeast Quarter ($S\frac{1}{2}$ of $S\frac{1}{2}$ of $SE\frac{1}{4}$) and the South Half of the Southwest Quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$) of Section 26; The West Half ($W\frac{1}{2}$) and the East Half ($E\frac{1}{2}$) north of U. S. Highway No. 78 and the East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) and the East Three Quarters of the West Half of the Southeast Quarter ($E\frac{3}{4}$ of $W\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 27; All of Section 28; The East Half of the Northeast Quarter of the Northeast Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$ of $NE\frac{1}{4}$) and the North Half of the East Half of the Southeast Quarter of the Northeast Quarter ($N\frac{1}{2}$ of $E\frac{1}{2}$ of $SE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 29; The West Three Quarters of the Southwest Quarter ($W\frac{3}{4}$ of $SW\frac{1}{4}$) southerly of the Southern Railroad, the South Half of the Southwest Quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$) of Section 30; The part of Section 31 that is northward of the Southerly right of way line of U. S. Highway No. 78, the North Half of the Northwest Quarter of the Northwest Quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$); Portions of County Road No. 63 in the West Half ($W\frac{1}{2}$) of Section 31, the West Half of the West Half of

the West Half of the Northwest Quarter ($W\frac{1}{2}$ of $W\frac{1}{2}$ of $W\frac{1}{2}$ of $NW\frac{1}{4}$) and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}$ of $SW\frac{1}{4}$), right of way of U. S. Interstate 20 of Section 31; The portion of Section 32 that is northwardly of the southerly right of way line of U. S. Highway No. 78; The portions of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$), and of fraction "A" of Section 32 that are Eastwardly of the Westerly right of way line of the old Talladega-Lincoln Highway (1928-1938) and Northerly of U. S. Interstate No. 20 Highway right of way and all portions of the Southeast Quarter ($SE\frac{1}{4}$) of Section 32 that is Southward of the Northerly right of way of U. S. Interstate Highway No. 20. All of Section 33: The West Half ($W\frac{1}{2}$) and the South Half of the South Half of the Northeast Quarter ($S\frac{1}{2}$ of $S\frac{1}{2}$ of $NE\frac{1}{4}$) and the Northwest Half of the Southwest Quarter of the Southeast Quarter ($NW\frac{1}{2}$ of $SW\frac{1}{4}$ of $SE\frac{1}{4}$) and the North Half of the Southeast Quarter ($N\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 34; The North Half of the North Half of the North Half ($N\frac{1}{2}$ of $N\frac{1}{2}$ of $N\frac{1}{2}$) of Section 35; The West Half of the West of the Northwest Quarter ($W\frac{1}{2}$ of $W\frac{1}{2}$ of $NW\frac{1}{4}$) of Section 36: All in Township 16 South, Range 5 East.

The portion of the Southeast Quarter ($SE\frac{1}{4}$) that is southerly of the Southern Railroad right of way, the portion of the Southwest Quarter ($SW\frac{1}{4}$) that is southward of U. S. Highway No. 78, and the West Half of the West Half of the West Half of the West Half ($W\frac{1}{2}$ of $W\frac{1}{2}$ of $W\frac{1}{2}$ of $W\frac{1}{2}$) southwardly of the Coosa River of Section 25; U. S. Highway No. 78 right of way in Section 26, the East Half ($E\frac{1}{2}$) northward of the Southern Railroad right of way and southward of the Coosa River, all in Section 26; The right of way of U. S. Interstate Highway No. 20 and U. S. Highway No. 78 eastwardly of the Talladega-St. Clair County line; the Northwest Quarter ($NW\frac{1}{4}$) eastward of the Coosa River in Section 35; the portions of the North Half ($N\frac{1}{2}$) of Section 36 that are northward of the 466-foot contour of the Logan Martin Reservoir, the East Half of the East Half of the Northeast Quarter ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $NE\frac{1}{4}$), the Northeast Quarter of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$) and the portion of Section 36 southward of U. S. Interstate Highway No. 20 northerly right of way, in Township 16 South, Range 4 East.

The portion of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 1 that is eastwardly of the eastwardly right of way line of County Road No. 63: County Road No. 63 in Section 1: The North Half of the North Half of the Northeast Quarter ($N\frac{1}{2}$ of $N\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 1: County Road No. 63 from the north line of Section 12 to the concrete bridge of Choccolocco Creek: The portion of the Northeast Quarter of Section 12 that is westwardly of County Road No. 63 and northwardly of the 466-foot contour of the Logan Martin Reservoir: All of the Northwest

Quarter of Section 12 that is northwardly of the 466-foot contour of the Logan Martin Reservoir except the areas described as follows: From the northwest corner of Section 12 proceed along the west line of said Section 12 (bearing of S. 02 degrees - 34' W.) a distance of 1495.44 feet to a point for the point of beginning. From said point of beginning proceed on same bearing a distance of 289.23 feet to a point, thence proceed on a bearing of S. 86 degrees - 43' E. a distance of 615.62 feet to a point; thence proceed on bearing of N. 02 degrees - 34' E. a distance of 377.77 feet to a point; thence proceed on a bearing of S. 84 degrees - 52' W. a distance of 620.78 feet to the point of beginning. Also the area south of the above tract that extends to the 466-foot contour of the Logan Martin Reservoir project: All in Township 17 South, Range 4 East. The North Half ($N\frac{1}{2}$) and North Half of the Southwest Quarter ($N\frac{1}{2}$ of $SW\frac{1}{4}$) and Alabama Highway 77 right of way in Section 4: The North Half of the Northeast Quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$) and the North Half of the South Half of the Northeast Quarter ($N\frac{1}{2}$ of $S\frac{1}{2}$ of $NE\frac{1}{4}$) and the East Half of the East Half of the South Half of the Southeast Quarter of the Northeast Quarter ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $S\frac{1}{2}$ of $SE\frac{1}{4}$ of $NE\frac{1}{4}$) and the East Half of the East Half of the Northeast Quarter of the Southeast Quarter ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 5: All in Township 17 South, Range 5 East.

Section 2. That all farm lands annexed by this Act shall be exempt from ad valorem taxation by the Town of Lincoln during the time such land is used for farming purposes.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1979

Time: 4:45 P.M.

Act No. 79-84

H. 48—Letson

AN ACT

Relating to Lawrence County; providing an expense allowance payable from the county general fund, for the county coroner and making the provisions of this act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. The county coroner of Lawrence County shall be paid an expense allowance out of the county general fund in the

amount of \$100 per month which shall be in addition to any and all other salary, compensation and expense allowances provided by law.

Section 2. The provisions of this act shall be retroactive to January 16, 1979.

Approved May 10, 1979

Time: 4:45 P.M.

Act No. 79-85

H. 49—Letson

AN ACT

Relating to Lawrence County; authorizing the county commission to allow the sheriff to appoint a chief deputy and other deputies; and providing for the compensation of such deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Lawrence County is hereby authorized to allow the sheriff of such county to appoint a chief deputy and as many other deputies as are needed in the discretion of such county commission.

Section 2. Compensation of each deputy appointed pursuant to this act shall be fixed by the Lawrence County Commission and shall be paid in equal monthly installments out of the general fund of Lawrence County.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1979

Time: 4:45 P.M.

Act No. 79-86

H. 50—Letson

AN ACT

Relating to Lawrence County; providing for fixing the fee for issuance of a pistol permit and providing for the distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lawrence County the issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13-6-155, Code of Alabama 1975, shall be ten dollars, which shall be collected by the sheriff of the county and deposited in the county treasury. Such fee shall be credited to a special fund or account in the county treasury and shall be used exclusively by the sheriff for law enforcement purposes and in the discharge of the sheriff's office as the sheriff sees fit.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1979

Time: 5:00 P.M.

Act No. 79-87

H. 79—Clark

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Moundville in Hale County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Moundville in Hale County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory to-wit: A part of the northwest quarter of Section 5 and a part of the east half of the northeast quarter of Section 6, all in Township 23 north, Range 5 east, St. Stephens Meridian in Hale County, Alabama, said property being more particularly described as follows: As a point of beginning start at the point of intersection of the west boundary of the northeast quarter of the northeast quarter and the south right-of-boundary of a county road having a right-of-way width of 80 feet, said point being the northwest corner of the property described herein; thence run in an easterly direction and along the south boundary of said right-of-way for a distance of 3904.80 feet to the east boundary of

the northeast quarter of the northwest quarter of Section 5; thence with a deflection angle of $89^{\circ} 53'$ right, run in a southerly direction and along the east boundary of the northeast quarter of the northwest quarter for a distance of 1356.62 feet to the southeast corner of the northeast quarter of the northwest quarter; thence continue in a southerly direction and along the east boundary of the southeast quarter of the northwest quarter for a distance of 52.70 feet to the north boundary of Gin Branch; thence run in a west-southwesterly direction and along the meandering north boundary of Gin Branch to its point of intersection with the north right-of-way boundary of a public road having a right-of-way width of 80 feet; thence run in a westerly direction and along the curving north boundary of said public road to its point of intersection with the west boundary of the east half of the northeast quarter of Section 6; thence run in a northerly direction and along the west boundary of the east half of the northeast quarter of Section 6 for a distance of 2393.02 feet to the point of beginning.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1979

Time: 5:00 P.M.

Act No. 79-88

H. 158—Minus, Manley

AN ACT

Relating to Sumter County; providing further for the compensation of election officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Each election official of Sumter County shall receive twenty dollars (\$20.00) per day for the performance of his official duties. The county commission of Sumter County shall supplement the compensation already provided by the general law of the state with funds out of the county general fund sufficient to bring said compensation up to the amount provided for by this act.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed and Act No. 123, H. 203, 1966 Special Session (Acts 1966, p. 159) is hereby specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1979

Time: 5:00 P.M.

Act No. 79-89

H. 159—Minus, Manley

AN ACT

Relating to Sumter County; providing further for the compensation of the board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of registrars of Sumter County shall receive thirty dollars (\$30.00) per day for the performance of his official duties upon attendance of the sessions of the board. The county commission of Sumter County shall supplement the compensation already provided by the general law of the state with funds out of the county general fund sufficient to bring said compensation up to the amount provided for by this act.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed and Act No. 1233, H. 1514, 1969 Regular Session (Acts 1969, p. 2331) is hereby specifically repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1979

Time: 5:00 P.M.

Act No. 79-90

H. 160—Minus, Manley

AN ACT

Relating to Sumter County; providing further for the compensation of the board of equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of equalization of Sumter County shall receive thirty-five dollars (\$35.00) per day for the performance of his official duties. The county commission of Sumter County shall supplement the compensation already provided by the general law of the state with funds out of the county general fund sufficient to bring said compensation up to the amount provided for by this act.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or part of laws which conflict with this act are hereby repealed and Act No. 454, H. 446, 1976 Regular Session (Acts 1976, p. 571) is hereby specifically repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1979

Time: 5:00 P.M.

Act No. 79-91

H. 179—Turnham, Reed, Laird, Ward

AN ACT

Relating to the 5th Judicial Circuit, to regulate and provide for expense allowances allowed the district attorney in like amounts as provided for circuit judges of said circuit; and to give said act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the 5th Judicial Circuit shall be entitled to travel allowances in like amounts as are now provided by law to the circuit judges of said judicial circuit. Payment of these expenses are chargeable to and shall be paid from any funds accessible to said district attorney for the operation of his office.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall take retroactive effect to June 1, 1977.

Approved May 10, 1979

Time: 5:00 P.M.

Act No. 79-92

H.J.R. 41—Turnham

HOUSE JOINT RESOLUTION

HONORING PROFESSOR ROBERT G. PITTS UPON HIS RETIREMENT.

WHEREAS, Professor Robert G. Pitts is retiring, effective June, 1979, as head of the Department of Aerospace Engineering at Auburn University after 44 years, having served under every dean of Auburn's School of Engineering; and

WHEREAS, in early 1939, Professor Pitts was instrumental in obtaining gifts of stock and grants of land from the stockholders of the Auburn-Opelika Airport Corporation in the name of the Alabama Polytechnic Institute and in arranging for the purchase of additional lands from surrounding property holders; and

WHEREAS, he supplied the motivating force which brought about the development of suitable runways and the building of the first hangar in order that the Auburn-Opelika Airport might qualify for a federally-sponsored Civilian Pilot Training Program (CPTP); and

WHEREAS, during the period between 1939 and 1944, over 400 civilian pilots and nearly 1000 military pilots were trained in the CAA programs under the direction of Professor Pitts; and

WHEREAS, he has contributed invaluable service to his country, to the people of the State of Alabama and to Auburn University through his 40 years of tireless effort in maintaining and continually upgrading the Auburn-Opelika Airport and the Auburn School of Aviation so that the airport is now a modern installation with both scheduled and charter service and instruction facilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Professor Robert G. Pitts for his long years of dedicated and outstanding service to Auburn University and to our state and nation, as well; we congratulate him on his retirement, wish him well in all future endeavors, and direct that he receive a copy of this resolution as evidence of this body's deep appreciation and esteem.

Approved May 10, 1979

Time: 5:00 P.M.

Act No. 79-93

H.J.R. 79—Lewis, Howard, Bennett,
Payne, Trammell, Olive,
Horn, Waggoner, Boles,
Adams (C), Adams (H),
Albright, Amari, Barton,
Bedsole, Biddle, Blake,
Bowling, Brakefield, Buskey,
Cabaniss, Campbell,
Carothers, Carter, Cates,
Cheatwood, Clark, Cobb,
Coburn, Cooley, Cosby, Crow,
Daniels, Dial, Dixon,
Drinkard, Edwards, Ford,
Gafford, Gilmer, Goodwin,
Greer, Gregg, Grimsley,
Grouby, Hall, Hammett,
Harper, Hilliard, Hines,
Holley, Holmes, Jackson,
Johnson (R.G.),
Johnson (Roy), Kelley,
Kennedy (C), Kennedy (Y),
Laird, Lanford, Letson,
McCorquodale, McKee,
McMillan, Manley, Minus,
Mitchell, Moore, Naramore,
Nevett, Owens, Parker,
Patton, Pegues, Penry, Rains,
Ray, Reed, Riddick, Roberts,
Sandusky, Sasser, Seibels,
Shavers, Shoemaker,
Smith (C), Smith (J),
Smith (M), Starkey, Stewart,
Stout, Tucker, Turner,
Turnham, Venable, Ward,
Warren, Whatley, Williams,
Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION
CONDEMNING THE REPREHENSIBLE ACTIONS OF

**THOSE RESPONSIBLE FOR THE BOMBING OF THE
BESSEMER CITY HALL ON MAY 2, 1979.**

WHEREAS, the sensitivities of civilized and compassionate persons throughout the entire State of Alabama and the nation were shocked and stunned by news of the bombing which occurred in the Bessemer City Hall on May 2, 1979; and

WHEREAS, explosives sent through the United States Postal Service were detonated when a package was routinely opened and the resulting blast immediately killed veteran Police Lieutenant Clifford T. Hill, critically wounded Police Commissioner Max Williams, seriously injured Mr. Gene Lint, executive secretary to Bessemer Mayor Ed Porter, and also wounded city employee Willie Jones; and

WHEREAS, it is intolerable to the members of this body that such an atrocity could occur within the boundaries of our state and it is totally unthinkable that those responsible should go undetected and unpunished for this diabolical crime, a scheme of an obviously demented and less-than-human mind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do unanimously and vigorously condemn the actions of those responsible for yesterday's violence in Bessemer, Alabama, and call upon Governor Fob James to provide all necessary assistance of all possible state agencies to aid in the apprehension, arrest and conviction of the perpetrators of these crimes of murder and mayhem.

BE IT FURTHER RESOLVED, That a copy of this resolution be dispatched forthwith to the Governor that he may know of our request for the assistance of his office and agencies under his direction, and of our desire that he post the highest possible reward within his powers for information leading to the arrest and conviction of the Bessemer City Hall bombers.

Approved May 10, 1979

Time: 5:00 P.M.

Act No. 79-94

H.J.R. 74—Manley

HOUSE JOINT RESOLUTION

**REQUESTING THE UNITED STATES CONGRESS TO
RENEW, FOR AN ADDITIONAL FOUR YEARS, THE**

GENERAL REVENUE SHARING PROGRAM TO STATE AND LOCAL GOVERNMENTS.

WHEREAS, the General Revenue Sharing Program, since 1972, has returned over \$55 billion to approximately 39,000 units of state and local government throughout the nation; and

WHEREAS, the General Revenue Sharing Program offers these states and localities the widest use of federal tax dollars while, at the same time, enhances cherished American principles of Federalism; and

WHEREAS, the General Revenue Sharing Program has proven to be both a fair and economical means of returning taxpayer dollars to state and local governments; and

WHEREAS, the Revenue Sharing Program is essential to the financial stability of the state and localities; and

WHEREAS, the General Revenue Sharing Program is due to expire on September 30, 1980; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon the Congress of the United States of America to give early and prompt consideration to the renewal of the General Revenue Sharing Program for an additional four years.

BE IT FURTHER RESOLVED, That copies of this resolution be dispatched to the President of the United States, to the presiding officers of both the United States Senate and House of Representatives, and to each member of the Alabama Congressional Delegation in Washington, D. C.

This Act became a law under Section 125 of the Constitution on May 9, 1979 without approval by the Governor.

Act No. 79-95

S. 135—Callahan

AN ACT

To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama, 1975, Title 33, Section 48, as amended, is hereby amended further to read as follows:

“§ 33-4-48. Pay of Pilots. Generally the master, owner or

consignee of any ship or vessel must pay the pilot who conducts a vessel into or out of the bay or harbor of Mobile a fee to be fixed by the board of pilotage commission at not exceeding the following rates for actual draft of water at the time of pilotage, such rates to be effective April 1, 1979: For every vessel crossing the outer bar of Mobile Bay the sum of \$14.02 per draft foot, provided, however, the minimum pilot fee shall be computed on a minimum of fifteen feet regardless whether or not such vessel has a draft of less than fifteen feet at the time of pilotage. In addition to the pilotage fee based on draft of said vessel there shall also be paid to said pilot the following pilotage fees. On said vessels with a length overall not in excess of 499 feet, \$96.00; on said vessel with length overall in excess of 499 feet, but not in excess of 599 feet, \$130.00; on said vessels with a length overall in excess of 599 feet, but not in excess of 699 feet, \$160.00; on said vessels with a length overall in excess of 699 feet, but not in excess of 799 feet, \$192.00; on said vessels with a length overall in excess of 799 feet, but not in excess of 899 feet, \$225.00; on said vessels with a length overall in excess of 899 feet, but not in excess of 999 feet, \$257.00; on said vessels with a length overall in excess of 999 feet, \$287.00. Vessels with a beam of 130 feet or more shall require an assisting pilot in addition to the pilot and the fee for the assisting pilot shall be \$320.00. Effective April 1, 1980, each of the above rates shall increase by an amount equal to eight per cent (8%). Vessels trading between any domestic port on the Gulf of Mexico and the Port of Mobile, drawing seven feet or less of water shall not be required to employ a pilot, but if they do, their regular pilotage shall be paid. No fishing smack shall be subject to pilotage."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1979

Time: 1:45 P.M.

Act No. 79-96

H.J.R. 80—Carter

HOUSE JOINT RESOLUTION

HONORING MR. AARON A. BRACKEEN OF ELKMONT,
LIMESTONE COUNTY, ALABAMA.

WHEREAS, in its desire to recognize those individuals who have contributed greatly to the betterment and well-being of their communities, the Legislature of Alabama has noted the many outstanding accomplishments and deeds of good citizenship of Mr. Aaron A. Brackeen of Elkmont, Alabama; and

WHEREAS, Mr. Brackeen, a native and lifelong resident of Limestone County, is a former mayor of Elkmont, a former recipient of the Limestone County "Citizen of the Year" Award and is also a member of the Limestone County Chamber of Commerce; and

WHEREAS, he is a model citizen who has devoted much of his life to serving others by actively participating in the civic, religious and charitable affairs of his community, church and county to help provide a better life for all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Aaron A. Brackeen of Elkmont, Alabama, for outstanding community service and for his superior leadership in all areas of community life.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Brackeen that he may know of this recognition in token of our deep appreciation, praise and esteem.

Approved May 14, 1979

Time: 1:50 P.M.

Act No. 79-97

H.J.R. 84—Hines

HOUSE JOINT RESOLUTION

PROVIDING THAT THE ESCAMBIA COUNTY DELEGATION OF THE ALABAMA LEGISLATURE APPOINT A COMMITTEE TO STUDY THE COMPENSATION SCHEDULE OF THE ESCAMBIA COUNTY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a select committee to study the compensation schedule of the Escambia County Commission. Such committee shall be composed of four members to be appointed by the Escambia County Legislative Delegation. The committee shall review the compensation of the Escambia County Commission for the purpose of evaluating said compensation.

The committee shall report its findings, conclusions and recommendations to the Escambia County Legislative Delegation on or before June 1, 1979, whereupon the committee shall be dissolved.

Approved May 14, 1979

Time: 1:50 P.M.

Act No. 79-98

H.J.R. 91—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 8, 1979, we adjourn to meet again on Thursday, May 10, 1979; when we adjourn on Thursday, May 10, we adjourn to meet again on Tuesday, May 15, 1979; and when we adjourn on Tuesday, May 15, we adjourn to meet again on Thursday, May 17, 1979.

Approved May 14, 1979

Time: 1:50 P.M.

Act No. 79-99

H. 145—Hammett, Daniels

AN ACT

To repeal Act No. 899, H. 1673, approved September 7, 1971, Regular Session 1971 (Acts 1971, page 1663), entitled "An Act To authorize county boards of education in all counties having a population of not less than 34,000 nor more than 34,800, to appoint the superintendent of education for such counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 899, H. 1673, approved September 7, 1971, Regular Session 1971 (Acts 1971, page 1663), entitled "An Act To authorize county boards of education in all counties having a population of not less than 34,000 nor more than 34,800, to appoint the superintendent of education for such counties," is hereby expressly repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1979

Time: 2:00 P.M.

Act No. 79-100

H. 204—Hammett

AN ACT

Relating to Covington County; to authorize the county board of education to appoint the superintendent of education for the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Covington County the county board of education is hereby authorized to appoint a superintendent of education at the expiration of the term of the present superintendent. Said superintendent shall be appointed to serve at the pleasure of the county board of education.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1979

Time: 2:00 P.M.

Act No. 79-101

H. 333—Ray

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City, in addition to the lands now included, all of the following territory, namely:

Commencing at the northwest corner of Section 19, Township 10 North, Range 21 East; thence Westerly 330 feet along the south side of Section 13, Township 10 North, Range 20 East; thence Northerly and parallel to the east line of Section 13, Township 10

North, Range 20 East, to the centerline of the Oak Grove Road (Pike County Highway no. 36); thence Westerly along the highway centerline to the west line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 10 North, Range 20 East; thence, Northerly along the west line NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Township 10 North, Range 20 East, and the west line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 10 North, Range 20 East, to the boundary of the Troy Airport property; thence in a clockwise direction along the courses of the Troy Airport property boundary to the northeast corner of said Troy Airport property (this corner is in Section 1, Township 10 North, Range 20 East); thence Northeasterly on an extension of the airport boundary (which boundary runs southwesterly) to the north line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, Township 10 North, Range 20 East; thence Easterly along the north line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 10 North, Range 20 East, to the centerline of U. S. Highway no. 231 Four lane highway; thence Southeast easterly along the highway centerline to the south side of the North half of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the north half of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, Township 10 North, Range 20 East, to the Troy Airport boundary; thence in a clockwise direction along the boundary to the north line of the South half of the SE $\frac{1}{4}$ of Section 12, Township 10 North, Range 20 East; thence Easterly along the north line of the South half of the SE $\frac{1}{4}$ of Section 12, Township 10 North, Range 20 East, to the west line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 10 North, Range 21 East; thence Northerly along the section line to the northwest corner of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence Easterly along the north line of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 10 North, Range 21 East, to the centerline of an unpaved county road; thence Northerly along the centerline of said road to the north line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Township 10 North, Range 21 East; thence Easterly along the north line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Township 10 North, Range 21 East, to the east line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence Southerly along the east line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Township 10 North, Range 21 East; the east line of the NW $\frac{1}{4}$ and the east line of the North half of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 10 North, Range 21 East; thence Westerly along the south line of the North half of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 10 North, Range 21 East; to the northeast corner of the South half of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 10 North, Range 21 East; thence Southerly along the east line of the South half of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 7, Township 10 North, Range 21 East, and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 10 North, Range 21 East; thence Westerly to the southwest corner of said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, Township 10 North, Range 21 East; thence Southerly

along the section line to the centerline of U. S. Highway no. 231; thence Southeasterly along the centerline of U. S. Highway no. 231 to its intersection with the centerline of U. S. Highway no. 231 business route; thence continue Southeasterly along the centerline of U. S. Highway no. 231 business route to the present city limits line; thence Westerly along the present city limits line to the west line of section 19, Township 10 North, Range 21 East; thence Northerly along the west line of Section 19, Township 10 North, Range 21 East, to the northwest corner of Section 19, Township 10 North, Range 21 East, and the point of beginning.

Said land lying and being situated in Sections 1, 2, 11, 12, and 13, Township 10 North, Range 20 East, and in Sections 6, 7, 18, and 19, of Township 10 North, Range 21 East, all in Pike County, Alabama, and containing 1160 acres, more or less.

Section 2. That all farm lands annexed by this Act shall be exempt from ad valorem taxation by the City of Troy during the time such land is used for farming purposes.

Section 3. That all laws or parts in conflict herewith are hereby repealed.

Section 4. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 14, 1979

Time: 1:45 P.M.

Act No. 79-102

H. 334—Ray

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City, in addition to the lands now included, all of the following territory, namely: Commencing at the point of intersection of the South margin of Anderson Road and the East line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31, Township 10 North

Range 21 East, Troy, Pike County, Alabama; thence South along the said East line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ to the Southeast corner of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence West along the South line of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ to the Southwest corner of Section 36, Township 10 North, Range 20 East; being the point of beginning for the parcel herein described; thence West along the South line of said Section 36 to the Southwest corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 36; thence North along the West line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 36, SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 25, to the Southern right of way of U. S. Highway no. 29; thence Southeasterly along the Southern right of way of U. S. Highway no. 29 to the point of intersection of said right of way and the East line of Section 36; thence South along the east line of Section 36, to the point of beginning, containing 170 acres, more or less.

Also, the Southwest quarter of the Southeast Quarter of Section 36, Township 10 North, Range 20 East, containing 40 acres, more or less.

Section 2. That all laws or parts of laws in conflict with the provisions hereof are hereby repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 14, 1979

Time: 1:45 P.M.

Act No. 79-103

S. 26—Martin, Lemaster and Gulledge

AN ACT

To provide that individuals, partnerships, banks or other corporations engaged in the business of lending money may, on any loans or extensions of credit made by them, lawfully charge interest at the maximum effective rate then permitted under state or federal law to be charged by any other federal or state chartered or licensed lending institution having its principal place of business in Alabama; and to provide that the provisions hereof are cumulative.

Be It Enacted by the Legislature of Alabama:

Section 1. Individuals, partnerships, banks or other corporations engaged in the business of lending money may, on any loans or extensions of credit made by them, lawfully charge interest at the maximum effective rate then permitted under state or federal law to be charged by any other federal or state chartered or

licensed lending institution having its principal place of business in Alabama.

Section 2. The provisions hereof are cumulative and nothing herein contained shall diminish rights or powers otherwise existing.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 14, 1979

Time: 1:50 P.M.

Act No. 79-104

S. 94—Higginbotham

AN ACT

To provide for compliance by savings and loan associations with regulations of the Federal Home Loan Bank Board which require that no loan on the security of a savings account may be made at a rate of interest that is less than one percent per annum in excess of the rate of return payable on any such account.

Be It Enacted by the Legislature of Alabama:

Section 1. Any savings and loan association located within the State of Alabama may charge on loans secured by savings accounts a rate of interest of not more than two percent per annum in excess of the rate of return payable on any such savings account.

Section 2. All other laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 14, 1979

Time: 2:00 P.M.

Act No. 79-105

H. 176—Riddick, Manley, Smith (M),
McCorquodale, McKee,
Seibels, Turner, Kelley,
Patton, Naramore,
Brakefield, Biddle, Pegues,
Starkey, Shavers, Whatley,

Minus, Greer, Albright,
Waggoner, Moore,
Cheatwood, Nevett, Sasser,
Smith (C), Bennett,
Shoemaker, Johnson (R.G.),
Carothers, Grouby

AN ACT

To prohibit the disposal of certain nuclear spent fuel or radioactive material or waste by the United States of America in any site within the state.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any law, order or regulation to the contrary, the state of Alabama does not consent to the acquisition by any agency, department or instrumentality of the United States of America by purchase, condemnation or otherwise of any land, building or other site within the state of Alabama for use of storing, depositing or dumping any nuclear spent fuel or any other radioactive material or waste, except for that nuclear spent fuel or radioactive material or waste that is generated in Alabama.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 14, 1979

Time: 6:00 P.M.

Act No. 79-106

H. 25—Dial, Hines

AN ACT

To amend Section 34-26-22, Code of Alabama 1975, by changing the biennial registration fee for licensed psychologists to an annual registration fee of \$50.00; to amend Section 34-26-43, Code of Alabama 1975, by increasing the application fee for permanent licenses as psychologists to \$125.00; and to provide for an examination fee for candidates for licensure as psychologists not to exceed \$100.00.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Section 34-26-22, Code of Alabama 1975, is

hereby amended to read as follows:

“Section 34-26-22. The board of examiners in psychology shall have authority to administer oaths, to summon witnesses and to take testimony in all matters relating to its duties. Said board shall be the sole agency in this state empowered to certify concerning competence in the practice of psychology and the sole board empowered to recommend licensure for the practice of psychology. No individual shall be issued a license for the practice of psychology who has not been previously certified by the board of examiners in psychology. The board of examiners in psychology shall certify as competent to practice psychology all persons who shall present satisfactory evidence of attainments and qualifications under provisions of this chapter and the rules and regulations of the board. Such certification shall be signed by the chairman of the board of examiners in psychology under the board’s adopted seal. It shall be the duty of the board chairman under the direction of the board to aid the district attorneys in the enforcement of this chapter and the prosecutions of all persons charged with the violation of its provisions. Psychologists licensed by the board shall be required to submit annually a completed registration fee of \$50.00 to the board after the first year. The list of registered psychologists shall be made available to interested individuals or organizations at a nominal charge.”

(b) Section 34-26-43, Code of Alabama 1975, is hereby amended to read as follows:

“Section 34-26-43. There shall be paid to the board chairman by each applicant for a permanent license a fee of \$125.00. No part of any fee shall be returnable under any circumstances other than failure of the board to hold examinations at the time originally announced, whereupon the entire fee may be returned at the option of the candidate. All fees collected in this manner plus renewal fees as outlined in Section 34-26-22 and all gifts or grants shall be deposited in the state treasury to the credit of the board. There is hereby appropriated from the funds to the credit of said board to be used for printing, travel expense of the board and for other necessary expenses such sums as are necessary to carry out the provisions of this chapter. Vouchers in payment of expenses shall be drawn on the state comptroller signed by the chairman of the board.”

Section 2. The board of examiners in psychology shall charge each candidate for licensure as a psychologist an examination fee not to exceed \$100.00.

Section 3. The provisions of this Act are severable. If any

section, paragraph, sentence, clause, provision or portion of this Act is declared invalid or unconstitutional, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act.

Section 4. All laws or parts of law which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 14, 1979

Time: 6:00 P.M.

Act No. 79-107

H. 171—Greer, Starkey, Coburn

AN ACT

Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office to the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of County License Commissioner in Lauderdale County, Alabama. No later than 30 days from the effective date of this Act, the legislative delegation representing Lauderdale County, by a majority vote thereof, shall appoint a County License Commissioner who shall serve for a term expiring on the first Monday after the second Tuesday in January 1981. In the event such office should become vacant during such time, such vacancy shall be filled in like manner as the original appointment. Said commissioner shall then run for election in the primary and general elections in 1980 and every six years thereafter. The salary of said commissioner shall be \$19,500 per annum, payable out of the county general fund in the same manner as other county employees are paid. He shall receive, in addition thereto, an expense allowance in the amount of eighteen hundred dollars (\$1,800.00) per year, payable from the county general fund.

Section 2. The County License Commissioner shall have an official seal of office and shall maintain his permanent office in the court house of Lauderdale County. Before entering upon the duties of his office, the Commissioner of License shall take the oath prescribed by the Constitution of the state of Alabama, and shall execute bond in such penal sum as prescribed by the county governing body, giving as surety thereon a bond issued by a bonding company authorized to do business in this state. The bond shall be conditioned as other official bonds, shall be approved by the governing body of the county, and shall be filed and recorded in the office of the judge of probate of Lauderdale County. A certified copy of such bond shall be furnished by said judge to the state comptroller. All premiums on said bond shall be paid from the general fund of the county.

Section 3. The county governing body shall furnish suitable quarters for the County License Commissioner, and provide the necessary forms, books, stationery, records, equipment and supplies, except such stationery, forms and supplies as are furnished pursuant to law by the state department of finance or the state comptroller. The county governing body shall also provide such clerks, deputies and other assistants for said commissioner as shall be necessary from time to time for the proper and efficient performance of the duties of his office. The commissioner shall have authority to elect, employ and discipline at will, such clerks, and other assistants, and to fix their compensation; however, the number and compensation of such clerks and other assistants shall be subject to the approval of the county governing body. The compensation of the clerks, deputies and assistants shall be paid monthly out of the general fund of the county in the same manner as other county employees are paid.

Section 4. The County License Commissioner shall appoint a chief clerk who shall, in the absence of the commissioner, exercise the same powers and authority herein granted to the commissioner. Such chief clerk before he enters upon his duties, must take the oath directed to be taken by the constitutional officers of the state and give bond payable to the commissioner in such sum as he may prescribe conditioned upon the faithful performance of his duty. The surety on such bond shall be a bond issued by a bonding company authorized to do business in this state. Such bond shall be approved by the commissioner, filed and recorded in the office of the judge of probate. The premiums on this bond shall be paid out of the general fund of the county.

Section 5. The County License Commissioner shall perform all duties relative to the assessment and collection of taxes on motor

vehicles in such county, which have heretofore been performed by the tax assessor and tax collector. Said commissioner shall also issue all motor vehicle license tags and driver's licenses, collect for and issue all other licenses for exercising any right or privilege for which a license is now or hereafter may be required by law to be paid to the state of Alabama or the county except marriage licenses, and shall perform all the duties required by the general law of judges of probate relative to notations on license stubs of the transfer of ownership of motor vehicles, and the replacement of lost or mutilated license tags and driver's licenses, and the notation of change of location of business on privilege licenses and stubs. The tax assessor and the tax collector of Lauderdale County are hereby relieved of all duties and responsibilities relative to the assessment and collection of taxes on such motor vehicles, and the judge of probate is hereby relieved of all duties and responsibilities relative to issuance of motor vehicle licenses, driver's licenses and privilege licenses and all other licenses except marriage licenses.

Section 6. Before any person, firm or corporation shall engage in or carry on any business or other activity in the county for which a license is required by law, a license for such activity must be purchased from said commissioner and he shall be entitled to charge a fee of 50¢ for the issuance of such license. All costs, fees and penalties which shall have accrued of for which such person, firm or corporation shall have become liable in any proceeding commenced for the collection of same shall be paid before any such license is eligible for renewal. Said commissioner shall issue the license countersigned by him in the form and on the blank furnished to him by the state department of finance which shall set forth and specify the name of the person, firm or the corporation applying therefor, the business or activity which it proposes to carry on thereunder, the address where it proposes to carry on the same, the time for which it is issued, and if the license is for a peddler, it shall state whether he proposes to travel on foot on horseback or on wagon or on motor vehicle. Such license shall not be transferable except as otherwise provided by law, nor shall it entitle the holder thereof to carry on any other business or do any other act other than that named therein at any other location than that specified; provided, however, that should it become necessary to move any business from one location to another location in said county, and such business is to continue in the same kind and character and by the same person or firm as that carried on at the former location, then, another license shall not be required for the same licensed year.

Section 7. In all cases where the amount to be paid for a license to be paid depends upon the amount of capital invested or the value of goods or stock, or the amount of sales and receipts, or any other fact or condition, it shall be the duty of the person

applying for such license to render to said commissioner a sworn statement of the amount of the capital invested, the value of the stock, the amount of sales and receipts, and such other information as may be required by said commissioner to determine the character of the license and the amount to be paid for the same.

Section 8. The County License Commissioner shall keep at all times an accurate record of all licenses received by him from the state comptroller and of the disposition made of them, and of all monies received, licenses issued by him, and make report thereof to the state comptroller at the same time and in the same manner that the judges of probate are required to do under the general law. All unissued licenses and the stubs or duplicates or carbon copies of licenses issued shall be accounted for in the same manner that judges of probate are required by law to account for such.

Section 9. Except as hereinafter provided, the County License Commissioner shall be entitled to charge and collect the same fees that are prescribed in the general law for like service when performed by the tax assessor, tax collector, judge of probate or the license inspector. For the performance of duties relative to the recordings of the transfer of the ownership of motor vehicles as prescribed in the Code of Alabama 1975, said commissioner shall charge and collect a fee of \$1.00. All such fees shall be the property of the county and shall be paid to the general fund of the county. Refunds for licenses issued by mistake or fact of law shall be made under the conditions and in the manner prescribed by the Code of Alabama 1975.

Section 10. To prevent motor vehicles from escaping taxation and to provide for a more efficient procedure for assessment and collection of taxes due on same, no licenses shall be issued to operate motor vehicles on the public highways of this state, nor shall any transfer be made by the County License Commissioner until the ad valorem tax on such vehicles shall have been paid to the county for the preceding year as evidenced by receipt from the said commissioner. Every person, firm or corporation driving or owning a motor vehicle who desires to operate a motor vehicle on the public highways of Alabama, shall first return such motor vehicle for ad valorem taxation to said commissioner who shall issue a certificate of assessment on a form prescribed by the state department of revenue, shall collect the taxes shown thereon, and shall make a duplicate of the tax receipt and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this Act.

Section 11. Before any vehicle can be assessed, the County

License Commissioner shall be furnished the tag number presently on the vehicle unless such vehicle is new, in which case said commissioner shall be furnished a bona fide bill of sale from the dealer showing when the vehicle was bought new. In the case of a used car brought into the state from a state which provides that upon sale or transfer of the motor vehicle, the tags are either surrendered to an appropriate authority or subsequently reissued by the seller, said commissioner shall be furnished a bona fide certificate of title properly assigned which shows when the car was sold to an individual, firm, corporation or association, living or operating in this state. If such tag number of bill of sale or certificate of title is not furnished, the vehicle will be presumed to have been in the state the entire year for which taxes are being assessed. Those motor vehicles brought into the state during any tax year and new motor vehicles for which licenses have never been issued that have been sold from the stock of a dealer during any tax year, shall be subject to taxation as if they had been held or owned in the state on the first day of October, except that taxes thereon shall be assessed on a quarterly basis as follows:

1. Motor vehicles brought into the state or sold from stock after the first day of October, but before the first day of January next following, shall be subject to taxation the same as if held or owned in the state on the first day of October.

2. Motor vehicles brought into the state or sold from stock after the first day of December, and before the first day of April next following, shall be subject to taxation for three quarters of the tax year.

3. Motor vehicles brought into the state or sold from stock after the last day of March, and before the first day of July next following, shall be subject to tax for one half of the tax year therefor.

4. Motor vehicles brought into the state or sold from stock after the last day of June, but before the first day of October next following, shall be subject to tax for one fourth of the tax year.

The County License Commissioner, in addition to assessing and collecting the ad valorem tax due the state and county on motor vehicles due all cities in such county and he shall report and pay over the money collected for such cities at the same time and in the same manner as state and county licenses are reported and paid over by him. Said commissioner shall receive and deposit in the county general fund, a commission of 5% for collecting such taxes and shall deduct said commission from the amount collected before paying the city treasury. Said commissioner shall not issue a license to operate a motor vehicle on the highways of this state until all ad

valorem taxes due the state, county and city have been paid for the preceding tax year.

Section 12. After the 30th day of September, 1980, motor vehicles shall not be included in any assessment made by any person, firm or corporation under the provisions of the Code of Alabama 1975, and any such motor vehicle shall not be considered as escape property be reason of failure to include the same in any tax return as of the first day of October, 1980, or any subsequent year. All motor vehicles shall be assessed and the taxes thereon shall be collected solely as herein provided.

Section 13. The state comptroller, the state department of revenue and the state department of finance are hereby required to furnish to the County License Commissioner, all books, records and blanks now or hereafter required by law to be furnished to judges of probate, tax assessors and tax collectors in connection with the performance of their duties in the issuance of automobile license plates and the assessment and collection of ad valorem tax thereon, and in connection with the performance of their duties relative to the issuance of privilege licenses.

Section 14. The County License Commissioner shall take applications for driver's licenses or renewals thereof, temporary driver permits and other motor vehicle operator's licenses and give receipts for the fees paid therefor. All such applications shall be handled in every respect as prescribed in the Code of Alabama 1975. The same fees and charges may be collected and remitted in the manner therein prescribed except that issuance fees therein prescribed for the judges of probate or other issuing officials shall be collected for the use of the county and shall be paid into the general fund in the county treasury at the same time that other monies due the county under this Act are paid.

Section 15. The County License Commissioner shall take application for replacement of motor vehicle license tags which have been lost, destroyed or mutilated, and forward such application to the state department of revenue in the same manner that judges of probate or license inspectors are directed to do under the Code of Alabama 1975. For services in this connection, he shall charge and collect the same fees prescribed in the Code of Alabama. Such fees, less the amount required by said Code, sent with the application to the state department of revenue, shall be the property of the county and shall be paid into the general fund of the county at the same time that other monies due the county pursuant to this Act are paid.

Section 16. On or after the first day of September each year,

the County License Commissioner shall mail a form requesting the information hereinafter specified to all owners of motor vehicles listed as such in the motor vehicle license records who have requested that such form be mailed to them. Such form shall be provided by the state department of revenue and shall contain spaces for the name and address of the owner of the motor vehicle, the make, the model and serial number of the vehicle and such other information with respect thereto as the department of revenue may prescribe. The form shall also contain a space for the correct amount of the ad valorem taxes (state, county, school district and municipal), the amount of the motor vehicle license due thereon, the issuance fee and the mailing fee provided for herein; it shall also contain a space for the owner to fill in his present address if different from that shown in the application form and a space for his signature. The form shall be filled in by said department with the name and address of the owner, the description of the motor vehicle, the license tax and fees to become due on October first as shown on the license registration and transfer records, and the amount of ad valorem tax due on said motor vehicle for the preceding tax year. Said commissioner shall then cause the application form so filed to be mailed to the owner of the motor vehicle at his address shown thereon, or to the address which said owner requests that the application form be mailed to. The owner of the motor vehicle, if he is still the owner of the motor vehicle, and if he desires to pay his motor vehicle ad valorem taxes and license tax and secure his motor vehicle registration tag by mail, shall sign the application form, indicating thereon any change of address and return the same by mail with his remittance for ad valorem taxes, license taxes and fees as shown thereon to the commissioner. Money orders and checks for the payment of such taxes shall be made payable to the County License Commissioner. Upon receipt of the signed application form and remittance for the amount properly due for ad valorem tax and fees, the County License Commissioner shall thereupon mail a receipt for such taxes and fees and the license tag for his motor vehicle to the owner thereof. When an application form is returned to said commissioner unsigned or with less than the correct amount of the taxes and fees, such form shall be returned to the owner for correction or for signature. A return of such application or remittance shall not be construed as a time extension for such payment.

Section 17. All applications for motor vehicle tags by mail and the correct amount of taxes and fees shall be received by the County License Commissioner, on or before November 10 and said commissioner of license shall mail such tag on or before November 14. Said commissioner shall charge and collect a fee not to exceed

\$1.50 for each motor vehicle tag issued by mail, in addition to all other fees prescribed by law. Such additional fees shall be paid by the owner of the motor vehicle with his mailed request for license tags and such fees collected by said commissioner shall be paid into the general fund of the county. The actual expense of mailing application forms to the owners of motor vehicles and of mailing tags as hereinabove provided, shall be paid from the general fund of the county upon warrants signed by said commissioner and approved by the county governing body. The procedure authorized by this Act for the payment of ad valorem tax and motor vehicle license tax and the issuance of license tags shall be an optional alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive a tag in person without the payment of an additional fee.

Section 18. Every purchaser of a motor vehicle shall, within 10 days after transfer of title to him, file such transfer with the office of the County License Commissioner. Failure to do so shall result in a penalty fine of \$1.00. This penalty shall be remitted by the collecting authority to the county general fund.

Section 19. After the passage of this Act, any and all duties now or which may hereafter be required by law for judges of probate with reference to the registration, sale and distribution of tags for motor vehicles, the issuance of motor vehicle driver's licenses, and temporary instruction permits and the transfer of ownership of motor vehicles, shall be performed by the County License Commissioner and said commissioner shall be entitled to collect all fees, commissions, charges, penalties and allowances heretofore provided by law for such judges to collect for performing such duties. All fees, commissions, charges, penalties and allowances collected by said commissioner in connection with the performance of such duties shall be distributed as provided by law. All records in the custody of the judge of probate relating to the duties herein imposed upon said commissioner shall, upon the effective date of this Act, be delivered to the office of the County License Commissioner.

Section 20. The office of license inspector for Lauderdale County is hereby abolished. Thereupon, the County License Commissioner shall become the ex officio license inspector of the county. He shall perform all the duties required by law of the license inspector. Said commissioner and such other assistants as are duly authorized by him, shall have the same powers and authority as license inspectors have under the general law. For performing the duties of license inspector required by this Act, said commissioner shall be entitled to charge and collect the same fees,

costs, penalties and commissions as license inspectors have heretofore been authorized by law to charge and collect. All such monies collected by said commissioner shall be paid into the general fund of the county.

Section 21. The County License Commissioner is hereby authorized to charge \$1.00 per page or fraction of a page, to be paid into the county general fund, for copying any document or instrument which is on record in his office and if such copy is to be certified, he shall charge an additional 50¢ for certifying the same.

Section 22. The County License Commissioner shall keep a pay book or ledger showing the amount of money collected each day for each service performed and such book shall be open at all times to inspection by the county governing body. On or before the tenth day of each month, said commissioner shall furnish the county governing body a full report of all monies collected and the disposition thereof.

Section 23. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 24. All laws or parts of laws which conflict with this Act are repealed.

Section 25. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1979

Time: 2:00 P.M.

Act No. 79-108

H. 54—Owens

AN ACT

To provide for the budget period extending from October 1, 1978 through September 30, 1979 only, any funds allocated to local boards of education or institutions of higher learning pursuant to Act Number 12 of the Second Special Session of the Alabama Legislature, 1978, may be transferred between and among line items.

Be It Enacted by the Legislature of Alabama:

Section 1. For the budget period extending from October 1, 1978 through September 30, 1979 only, any funds allocated to local boards of education or institutions of higher learning pursuant to

Act 12 of the Second Special Session of the Alabama Legislature, 1978, may be transferred between and among line item categories. No board of education or institution of higher learning shall reduce or transfer any appropriation for salaries or wages.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 21, 1979

Time: 4:30 P.M.

Act No. 79-109

H.J.R. 106—Stewart, Adams (C),
 Adams (H), Albright, Amari,
 Barton, Bedsole, Bennett,
 Biddle, Blake, Boles,
 Bowling, Brakefield, Buskey,
 Cabaniss, Campbell,
 Carothers, Carter, Cates,
 Cheatwood, Clark, Cobb,
 Coburn, Cooley, Cosby, Crow,
 Daniels, Dial, Dixon,
 Drinkard, Edwards, Ford,
 Gafford, Gilmer, Goodwin,
 Greer, Gregg, Grimsley,
 Grouby, Hall, Hammett,
 Harper, Harrison, Harvey,
 Hilliard, Hines, Holley,
 Holmes, Horn, Howard,
 Jackson, Johnson (R.G.),
 Johnson (Roy), Kelley,
 Kennedy (C), Kennedy (Y),
 Laird, Langford, Letson,
 Lewis, McCorquodale,
 McKee, McMillan, Manley,
 Minus, Mitchell, Moore,
 Naramore, Nevett, Olive,
 Owens, Parker, Patton,
 Payne, Pegues, Penry, Rains,
 Ray, Reed, Riddick, Roberts,
 Sandusky, Sasser, Seibels,
 Shavers, Shoemaker,

Smith (C), Smith (J),
Smith (M), Starkey, Stout,
Trammell, Tucker, Turner,
Turnham, Venable,
Waggoner, Ward, Warren,
Whatley, Williams, Willis,
Wyatt, Zoghby

AN ACT

HOUSE JOINT RESOLUTION

RECOGNIZING MR. JOHN WAYNE ON HIS
OUTSTANDING CAREER WHICH HAS GIVEN
UNEXCELLED PLEASURE THROUGH ENTERTAINMENT
TO THE AMERICAN PEOPLE.

WHEREAS, John Wayne has brought much pleasure and
happiness to the American people as an unsurpassed actor and

WHEREAS, John Wayne has consistently exemplified true
courage and offered tremendous inspiration to countless millions
by bravely battling various health difficulties, and

WHEREAS, through his unselfish service and greatly
admired courage, John Wayne has become a living legend and an
unfailing symbol of Americanism to all Americans and millions of
others throughout the world,

NOW, THEREFORE, BE IT RESOLVED BY THE
LEGISLATURE OF ALABAMA, Both Houses thereof
concurring, That great appreciation and support are extended to
John Wayne and his family for his unsurpassed contributions to the
American people as a distinguished actor and a praiseworthy
example of exhibiting true courage and bravery.

BE IT FURTHER RESOLVED, That a copy of this resolution
be provided to John Wayne and each member of his family.

Approved May 21, 1979

Time: 4:30 P.M.

Act No. 79-110

H.J.R. 107—Owens, McCorquodale

HOUSE JOINT RESOLUTION

HONORING DELTA AIR LINES ON THE OCCASION OF
ITS 50TH ANNIVERSARY.

WHEREAS, Delta Air Lines, Incorporated, has contributed to

the economic and social growth of the state of Alabama since the inauguration of Delta service in Birmingham 50 years ago on September 1, 1929, and in Montgomery 32 years ago on July 1, 1947; and

WHEREAS, Delta has progressively upgraded its flight equipment in Birmingham and Montgomery from propellor driven planes to the most modern jetliners of today; and

WHEREAS, Delta has demonstrated its willingness and ability to expand and improve its service in the state of Alabama in direct proportion to the needs of the air traveler and shipper; and

WHEREAS, during its 50 years of service in the state of Alabama, Delta has promoted the state of Alabama in a positive and beneficial manner; and

WHEREAS, during the airline's 50 years of history of scheduled passenger service, it has grown from a small carrier serving four states in the deep South to one of the world's major airlines, flying to more than 90 cities in the United States, Puerto Rico and 5 foreign nations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in honor of its 50th year of service, to be celebrated on June 17, 1979, we hereby most highly commend Delta Air Lines for the outstanding service it has provided to the general public of the State of Alabama.

BE IT FURTHER RESOLVED, That, in token of our deep appreciation, Delta Air Lines receive a copy of this resolution of congratulations and praise.

Approved May 21, 1979

Time: 4:30 P.M.

Act No. 79-111

S.J.R. 28—White

SENATE JOINT RESOLUTION

ENCOURAGING THE U.S. CONGRESS TO DESIGNATE THE AMERICAN MARIGOLD AS THE NATIONAL FLORAL EMBLEM OF THE UNITED STATES.

WHEREAS, the United States is the only major country in the world without a floral emblem; and

WHEREAS, each of the fifty states of the United States, in

addition to its state flag, has a floral emblem which it cherishes as its own; and

WHEREAS, the people of the United States have adopted the American Flag and the American Eagle to represent the virtues of this country; and

WHEREAS, peoples of the world have adopted emblems for their countries, representatives of their national virtues; and

WHEREAS, the American marigold represents the character of the United States more appropriately as a floral emblem than any other flower in that the marigold is an American native that grows in abundance in gardens of every state and grows easily and quickly from seed; the marigold, acknowledged as a symbol of religious faith, also represents beauty and rugged humility of character and, like the American Eagle and the American Flag, it is an exclusively American emblem; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage the Congress of the United States to designate the American marigold as the national floral emblem of the United States and also encourage the President of the United States to declare such fact by proclamation.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to President Carter and to each member of the Alabama Congressional Delegation that they may be aware of Alabama Legislature's endorsement of this cause.

Approved May 21, 1979

Time: 4:30 P.M.

Act No. 79-112

S.J.R. 37—Higginbotham

SENATE JOINT RESOLUTION

INVITING THE GOVERNOR TO ADDRESS THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Honorable Fob James, Governor of Alabama, is invited to speak informally to the House and the Senate at 10:00 o'clock on Thursday, May 17, 1979.

BE IT FURTHER RESOLVED, That a copy of this resolution

be dispatched forthwith to Governor James that he may know of our request and that we hopefully await his acceptance of this invitation.

Approved May 21, 1979

Time: 4:30 P.M.

Act No. 79-113

H.J.R. 95—Lewis, Adams (C).
 Adams (H), Albright, Amari,
 Barton, Bedsole, Bennett,
 Biddle, Blake, Boles,
 Bowling, Brakefield, Buskey,
 Cabaniss, Campbell,
 Carothers, Carter, Cates,
 Cheatwood, Clark, Cobb,
 Coburn, Cooley, Cosby, Crow,
 Daniels, Dial, Dixon,
 Drinkard, Edwards, Ford,
 Gafford, Gilmer, Goodwin,
 Greer, Gregg, Grimsley,
 Grouby, Hall, Hammett,
 Harper, Harrison, Harvey,
 Hilliard, Hines, Holley,
 Holmes, Horn, Howard,
 Jackson, Johnson (R.G.),
 Johnson (Roy), Kelley,
 Kennedy (C), Kennedy (Y),
 Laird, Langford, Letson,
 McCorquodale, McKee,
 McMillan, Manley, Minus,
 Mitchell, Moore, Naramore,
 nevelt, Olive, Owens, Parker,
 Patton, Payne, Pegues,
 Penry, Rains, Ray, Reed,
 Riddick, Roberts, Sandusky,
 Sasser, Seibels, Shavers,
 Shoemaker, Smith (C),
 Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable,
 Waggoner, Ward, Warren,
 Whatley, Williams, Willis,
 Wyatt, Zoghby.

HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF CLIFFORD T. HILL OF BESSEMER, ALABAMA.

WHEREAS, on Wednesday, May 2, 1979, the Legislature of the State of Alabama was shocked and deeply saddened by the traffic death of Lieutenant Clifford T. Hill of the Bessemer Alabama, Police Department; at the young age of 48 years, Lieutenant Hill was the victim of a bomb blast, killed in the line of duty by a vicious criminal whose identity is yet unknown; and

WHEREAS, Clifford Hill was a native and lifelong resident of Bessemer, a graduate of Bessemer High School and a United States Army veteran of the Korean Conflict; he was a Mason, a member of the Bessemer Second Baptist Church, the Fraternal Order of Police, and the V.F.W.; and

WHEREAS, he was a member of the Bessemer Police Department for almost twenty-five years having joined the force in November, 1954, as a patrolman; he rose through the ranks to that of Lieutenant, commissioned in August 1971; and

WHEREAS, Lieutenant Hill's exemplary record with the department was affirmation of his dedicated efficiency and of his outstanding ability as a law enforcement officer; he was much admired, respected and highly regarded by all his fellow officers, beloved of family and friends, and sorely missed by all those privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Police Lieutenant Clifford T. Hill whose life was ended on May 2, 1979, while on duty as an officer of the law.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his daughters, Terri Lynn Thrasher and Cathy Lee Hill, and to his son, Thomas Alan Hill, that they may know of our shared sorrow in the loss of their father and of our appreciation for his life.

Approved May 21, 1979

Time: 4:30 P.M.

HOUSE JOINT RESOLUTION

MEMORIALIZING THE UNITED STATES CONGRESS TO TAKE IMMEDIATE ACTION TO RESOLVE THE UNCERTAINTIES SURROUNDING THE USE OF PUBLIC LANDS AND TO TAKE OTHER SUCH NECESSARY ACTION SO AS TO PROVIDE FOR DEVELOPMENT AND PROGRESS TO MEET THE CHANGING NEEDS OF OUR NATION.

WHEREAS, wilderness studies are now being conducted on over 300 million acres of public land in Alaska and the Lower 48 states by Congress, the Forest Service, Bureau of Land Management, Fish and Wildlife Service and National Park Service; and

WHEREAS, wilderness study status and wilderness designation prohibit or severely restrict grazing, timber cutting, construction of temporary and permanent roads, exploration for and production of oil, gas and other valuable minerals, water projects, permanent campsites, sanitary and other facilities, the use of vehicles and power machinery of all kinds, and access by the elderly and physically handicapped; and

WHEREAS, under current management guidelines, these multiple uses will be prohibited indefinitely, as long as the wilderness and other land management planning studies are being conducted; and

WHEREAS, these prohibitions and restrictions are causing continued impairment of farming and ranching operations, imports of fuel and nonfuel minerals known or thought to be present in many wilderness study areas, timber shortages to local mills, an absence of critically needed information on mineral resources, increased balance of payment deficits, higher inflation, unemployment and continued erosion of dollar values abroad;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we memorialize the Congress to act immediately to:

1. Resolve the uncertainties surrounding the future of these public lands;
2. Prohibit lawsuits and other legal and administrative delays regarding these wilderness studies;
3. Avoid overly restrictive federal requirements which can prohibit the most environmentally responsible development of valuable resource commodities;

4. Provide reasonable access across federal lands to state and private lands; and

5. Provide the mechanism for future reevaluation of all federal lands as the needs of the nation and changes in technology dictate.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the Alabama Congressional Delegation, the Presiding Officer of both Houses of Congress, the U. S. Secretary of the Department of Agriculture, and U. S. Secretary of the Department of the Interior.

Approved May 21, 1979

Time: 4:30 P.M.

Act No. 79-115 H.J.R. 100—Payne, Seibels, Adams (C),
 Adams (H), Albright, Amari,
 Barton, Bedsole, Bennett,
 Biddle, Blake, Boles,
 Bowling, Brakefield, Buskey,
 Cabaniss, Campbell,
 Carothers, Carter, Cates,
 Cheatwood, Clark, Cobb,
 Coburn, Cooley, Cosby,
 Crowe, Daniels, Dial, Dixon,
 Drinkard, Edwards, Ford,
 Gafford, Gilmer, Goodwin,
 Greer, Gregg, Grimsley,
 Grouby, Hall, Hammett,
 Harper, Harrison, Harvey,
 Hilliard, Hines, Holley,
 Holmes, Horn, Howard,
 Jackson, Johnson (R.G.),
 Johnson (Roy), Kelley,
 Kennedy (C), Kennedy (Y),
 Laird, Langford, Letson,
 Lewis, McCorquodale,
 McKee, McMillan, Manley,
 Minus, Mitchell, Moore,
 Naramore, Nevett, Olive,
 Owens, Parker, Patton,
 Pegues, Penry, Rains, Ray,
 Reed, Riddick, Roberts,

Sandusky, Sasser, Shavers,
 Shoemaker, Smith (C),
 Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable,
 Waggoner, Ward, Warren,
 Whatley, Williams, Willis,
 Wyatt, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE SCHOOL OF COMMUNITY AND ALLIED HEALTH AT THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

WHEREAS, ten years ago there existed in the State of Alabama an acute shortage of trained allied health care personnel, a need which was recognized by the Legislature of the State of Alabama; and

WHEREAS, the Legislature also realized that the training of health care personnel to fill this need would require technical equipment, skilled faculty and clinical facilities and that providing for these requirements on a statewide basis would be costly; and

WHEREAS, they further realized that providing one centrally located training center for preparing health care professionals would minimize the costs for training these professionals and make it possible to provide a full range of health care services to the medically underserved areas of Alabama; and

WHEREAS, by doing this the State of Alabama would afford the citizens of Alabama the opportunity for an enhanced quality of life through benefit of the access to and availability of health care services; and

WHEREAS, at the University of Alabama in Birmingham, the Alabama Legislature did create by Legislative Act the School of Community and Allied Health to serve these purposes; and

WHEREAS, during the last decade, the School of Community and Allied Health has graduated over 5,200 health professionals and has become recognized as a national leader in the field of allied health manpower preparation; and

WHEREAS, the Regional Technical Institute, which is a part of the School of Community and Allied Health, is a national model for training health professionals and with the assistance of the W. K. Kellogg Foundation and the Appalachian Regional Commission

has developed a linkage with the state's junior colleges which has made available training for many Alabama citizens who otherwise would not have been able to pursue allied health training; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby honor the University of Alabama in Birmingham's School of Community and Allied Health on the occasion of the School's Tenth Anniversary and also congratulate Dr. Keith D. Blayney, Dean of the School of Community and Allied Health, for so ably providing the leadership to guide the school in fulfilling the charges given forth by this Legislature a decade previous.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the School of Community and Allied Health at the University of Alabama in Birmingham.

Approved May 21, 1979

Time: 4:45 P.M.

Act No. 79-116

H.J.R. 103—Ray, Holley

HOUSE JOINT RESOLUTION

DESIGNATING THE U. S. HIGHWAY 84 FROM THE EAST TO WEST STATE BOUNDARIES AS A BLUE STAR MEMORIAL HIGHWAY.

WHEREAS, the Blue Star Memorial Highway was projected by the National Council of State Garden Clubs, Incorporated, as a tribute to the men and women of our nation's Armed Forces and in further recognition of the services and sacrifices so valiantly rendered by those citizens; and

WHEREAS, created in 1945, this project also memorialized our nation's interstate system of defense highways; and

WHEREAS, the Blue Star Memorial Highway of Alabama is sponsored by the Garden Club of Alabama, Incorporated, and District VII of that organization proposes the designation of U. S. Highway 84 from the east to west boundaries of Alabama as a Blue Star Memorial Highway; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates U. S. Highway 84 within the

boundaries of the State of Alabama as a "Blue Star Memorial Highway."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect an appropriate marker, with funds provided by District VII of the Garden Club of Alabama, so designating Highway 84 as a "Blue Star Memorial Highway."

Approved May 21, 1979

Time: 4:45 P.M.

Act No. 79-117

H. 91—Venable

AN ACT

To amend the title and Section 1 of Act No. 481, H. 1136, Regular Session 1977 (Acts 1977, p. 628), entitled, "An Act Relating to Elmore County; to provide for the compensation and expense allowance for the county superintendent of education, and to provide for the effective date," so as to provide that the annual salary of the superintendent of education shall be set at a figure of not less than \$5,000 nor more than \$10,000 more than the highest paid principal in the county and giving the board of education discretion in granting expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 481, H. 1136, Regular Session 1977 (Acts 1977, p. 628), is amended to read as follows:

"An Act Relating to Elmore County; to provide for the compensation for the county superintendent of education, and to provide for the effective date."

Section 2. Section 1 of said Act No. 481, H. 1136, is amended to read as follows:

"Section 1. The county superintendent of education of Elmore county shall devote his entire time to the public school business of Elmore County and shall receive as compensation for his services a per annum salary and expenses of not less than \$5,000 nor more than \$10,000 more than the highest paid principal of the county. Such salary shall be set by the county board of education prior to the beginning of the term of office of the superintendent. The board of education shall have discretion to grant expenses from time to time during the term of the superintendent. Such expenses and salary shall not exceed the per annum of \$10,000 more than the highest paid principal of the county. Such compensation shall be payable from the public school funds of the county and shall be the total compensation."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1979

Time: 4:45 P.M.

Act No. 79-118

H. 382—Coburn, Starkey, Greer
AN ACT

Relating to Lauderdale County; providing further for the compensation of elected officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Each election official of Lauderdale County shall receive twenty-five dollars (\$25.00) per day for the performance of his official duties. The county commission of Lauderdale County shall supplement the compensation already provided by the general law of the state with funds out of the county general fund sufficient to bring said compensation up to the amount provided for by this act, provided, however, in any municipal election in which the official serves, the supplement provided for herein shall be paid by the municipality in which such election is held.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1979

Time: 4:45 P.M.

Act No. 79-119

H. 384—Minus
AN ACT

Relating to Choctaw County; further regulating the handling and expenditures of certain court fees accruing to Choctaw County; establishing the Choctaw County

Law Library Fund and authorizing the expenditures of such funds; creating the Choctaw County Law Library Board and providing for its appointment, powers and duties; providing for taxation of \$1.00 court costs as a law library fee in all criminal, quasi-criminal or civil cases or other proceedings in the circuit court, district court and small claims court of Choctaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a fund to be designated the "Choctaw County Law Library Fund," which fund shall be expended as hereinafter provided for the sole purpose of establishing, maintaining, equipping, administering, and operating the law library at the courthouse of Choctaw County.

In each criminal or quasi-criminal or civil case of any other proceeding filed in, arising in, or brought by appeal, or certiorari or otherwise in the circuit court, district court or small claims court of Choctaw County, there shall be taxed as part of the costs the sum of one (\$1.00) dollar to be designated as a law library fee.

Such fees when collected by the clerks or other collecting officers of such courts shall be paid to the treasurer or depository of Choctaw County for the deposit in the county treasury in a separate account to be designated the "Choctaw County Law Library Fund."

Section 2. There is hereby created a board to administer the Choctaw County Law Library Fund which shall be known as the Choctaw County Law Library Board. This board shall consist of all members of the Choctaw County Bar. Each year the members of the board shall elect a chairman, a vice-chairman, and a secretary, all of whom shall serve for one year as such officers but who may be elected to serve more than one term.

A majority of the Choctaw County Law Library Board shall constitute a quorum for the transaction of business. The secretary shall keep minutes of all meetings of the board, which shall be held upon call of the chairman or any two members. The board may adopt by-laws, and all action of the board shall require the approval of at least two members of the board. The board may act informally, without a meeting, with the approval of all members.

The chairman of the Choctaw County Law Library Board may draw warrants on the said Choctaw County Law Library Fund in making expenditures for purposes contemplated in this act, and shall indicate on the warrants the funds against which the warrants are drawn.

Section 3. Sole and complete management of the Choctaw County Law Library is vested in the Choctaw County Law Library Board or its designee. All books or other property purchased with the funds shall be the property of Choctaw County, but shall be

the funds shall be the property of Choctaw County, but shall be managed and controlled by the Choctaw County Law Library Board.

The Choctaw County Law Library Fund shall be administered and disbursed by the Choctaw County Law Library Board only for the purpose of establishing, equipping, maintaining, and operating the Choctaw County Law Library, and none of said funds shall be used or expended for any other purpose whatsoever.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1979

Time: 4:45 P.M.

Act No. 79-120

H.J.R. 98—Sasser, Adams (C),
 Adams (H), Albright, Amari,
 Barton, Bedsole, Bennett,
 Biddle, Blake, Boles,
 Bowling, Brakefield, Buskey,
 Cabaniss, Campbell,
 Carothers, Carter, Cates,
 Cheatwood, Clark, Cobb,
 Coburn, Cooley, Cosby, Crow,
 Daniels, Dial, Dixon,
 Drinkard, Edwards, Ford,
 Gafford, Gilmer, Goodwin,
 Greer, Gregg, Grimsley,
 Grouby, Hall, Hammett,
 Harper, Harrison, Harvey,
 Hilliard, Hines, Holley,
 Holmes, Horn, Howard,
 Jackson, Johnson (R.G.),
 Johnson (Roy), Kelley,
 Kennedy (C), Kennedy (Y),
 Laird, Langford, Letson,
 Lewis, McCorquodale,
 McKee, McMillan, Manley,
 Minus, Mitchell, Moore,

Naramore, Nevett, Olive,
Owens, Parker, Patton,
Payne, Pegues, Penry, Rains,
Ray, Reed, Riddick, Roberts,
Sandusky, Seibels, Shavers,
Shoemaker, Smith (C),
Smith (J), Smith (M),
Starkey, Stewart, Stout,
Trammell, Tucker, Turner,
Turnham, Venable,
Waggoner, Ward, Warren,
Whatley, Williams, Willis,
Wyatt, Zoghby

HOUSE JOINT RESOLUTION

Whereas, the Vietnam War was the longest, most expensive, most divisive and most costly in human lives and suffering in the history of our nation; and

Whereas, the courageous and loyal Americans who participated in that conflict were denied the honor, glory and the gratitude which was their due because of the lack of agreement among our citizens as to what constituted our highest duty; and

Whereas, we join all fair minded and patriotic Americans in recognition of the valor and loyalty displayed by all those who served in our Armed Forces during the war in Southeast Asia; and

Whereas, we offer our respect and gratitude to those who served and to those loved ones who were left behind we offer our concern and understanding, and to those who suffered the wounds of war we offer our continued support:

Now, Therefore, Be It Resolved, that the Legislature of the State of Alabama, both Senate and House of Representatives concurring that we honor the patriotism of our Vietnam era veterans and their families, and call upon our fellow citizens to join all Americans to observe the week of May 28 through June 3, 1979, as Vietnam Veterans Week; and

Be it Further Resolved, that we commend the veterans for the high patriotism and the valor which they demonstrated during the extreme challenge of war and for their contributions to their communities in this time of peace.

Approved May 21, 1979

Time: 4:45 P.M.

Act No. 79-121

H. 185—Greer, Starkey, Coburn

AN ACT

Proposing an amendment to the Constitution of Alabama to authorize the abolition and creation of certain offices in Lauderdale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution, when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

PROPOSED AMENDMENT

The Legislature may from time to time, by general or local law, provide for the transfer of the duties, or part of the duties, of one county officer of Lauderdale County to another officer of such county; or consolidate any two or more offices of such county into one county office and provide for the abolition of the office or offices left without duties, or create a completely new office in such county and transfer to such office a part of the duties of each of several other offices without abolishing any office in such county; provided that the officer or officers to fill the offices involved will be compensated for the performance of the duties of their offices by a salary fixed according to law.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the House as amended April 26, 1979

Passed the Senate May 17, 1979

Act No. 79-122

H. 19—Sasser

AN ACT

To provide that unless the legislature in the Regular Session of 1980 acts to continue them, Sections 39-4-1 through 39-4-18, Code of Alabama 1975, which provide for the payment of the prevailing minimum wages under public works projects, shall be automatically repealed.

Be It Enacted by the Legislature of Alabama:

Section 1. Unless the legislature in its 1980 Regular Session takes action to continue the provisions of Sections 39-4-1 through 39-4-18 of the Code of Alabama 1975, the provisions shall be automatically repealed effective sine die of the 1980 Regular Session of the Legislature.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 23, 1979

Time; 5:00 P.M.

Act No. 79-123

H. 362—Letson

AN ACT

To amend Sections 9-11-264 and 9-11-265, Code of Alabama 1975 relating to the trapping of fur-bearing animals, so as to provide that the provisions of such sections shall not apply to Lawrence County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9-11-264 and 9-11-265, Code of Alabama 1975 are hereby amended to read as follows:

“Section 9-11-264. Any person shall be strictly liable for civil damages who causes injury or damage to any person or domestic animal as a result of using any trap or similar device to take, capture or kill any of the fur-bearing animals protected by the laws or regulations of this state.

Any person who suffers injury or damage to his person or domestic animal as a result of such activity shall have an action for civil damages and such aggrieved person need not prove negligence. The provisions of this section shall not apply to Lawrence County.

“Section 9-11-265. It shall be unlawful for anyone to trap on or

from a state highway right-of-way unless the trapper has the permission of adjoining landowners. The provisions of this section shall not apply to Lawrence County."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1979

Time: 4:15 P.M.

Act No. 79-124

H. 323—Owens

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1979-80 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

- (a) "Appropriation Total" shall mean the aggregate total of all fund sources.
- (b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.
- (c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.
- (d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt ob-

ligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1980, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

	General Fund	Trust Fund	Appropriation Total
I. LEGISLATIVE:			
A. THE LEGISLATIVE SYSTEM:			
1. LEGISLATIVE COUNCIL:			
(a) Legislative Operations and Support Program			50,000
For Operations of the Council (including out-of-state travel by Council members and members of the Legislature authorized to attend Legisla- tive conferences by joint reso- lution of the Legislature)			
SOURCE OF FUNDS:			
(1) State General Fund	50,000		
Total Legislative Council	50,000		50,000
2. LEGISLATIVE FISCAL OFFICE:			
(a) Legislative Operations and Support Program			291,780
SOURCE OF FUNDS:			
(1) State General Fund	291,780		
Total Legislative Fiscal Office	291,780		291,780

3. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program		523,000
SOURCE OF FUNDS:		
(1) State General Fund	523,000	
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Total Legislative Reference Service	523,000	523,000
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4. LEGISLATURE:

(a) Legislative Operations and Support Program		1,750,000
(b) National Conference of State Legislators		30,530
(For the purpose of paying the State's share of the operation of the National Conference of the State Legislatures.)		
SOURCE OF FUNDS:		
(1) State General Fund	1,780,530	
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Total Legislature	1,780,530	1,780,530
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5. DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS:

(a) Legislative Support — Audit Services Program		2,200,000
SOURCE OF FUNDS:		
(1) State General Fund	2,200,000	
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Total Department of Examiners of Public Accounts	2,200,000	2,200,000
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II. JUDICIAL:**A. THE JUDICIAL SYSTEM:****1. COURT OF CIVIL APPEALS:**

(a) Court Operations Program		118,500
(b) Court Support Services Program		320,685
SOURCE OF FUNDS:		
(1) State General Fund	439,185	
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Total Court of Civil Appeals	439,185	439,185
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2. COURT OF CRIMINAL APPEALS:

(a) Court Operations Program		599,375
SOURCE OF FUNDS:		
(1) State General Fund	599,375	
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Total Court of Criminal Appeals	599,375	599,375
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3. DISTRICT ATTORNEYS:

(a) Court Operations Program		3,668,912
The proposed spending plan included in the above total is as follows:		
Salaries of District Attorneys	1,060,000	
Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	24,728	
Salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	3,872	
Salaries and expenses of Supernumerary District Attorneys	462,875	
For use in the District Attorney's Office of the 1st Judicial Circuit	32,400	
For use in the District Attorney's Office of the 2nd Judicial Circuit	25,800	
For use in the District Attorney's Office in the 3rd Judicial Circuit	33,643	
For use in the District Attorney's Office of the 4th Judicial Circuit	126,936	
For use in the District Attorney's Office of		

the 5th Judicial Circuit	102,400
For use in the District Attorney's Office of the 6th Judicial Circuit	45,580
For use in the District Attorney's Office of the 7th Judicial Circuit	72,268
For use in the District Attorney's Office of the 8th Judicial Circuit	29,990
For use in the District Attorney's Office of the 9th Judicial Circuit	54,900
For use in the District Attorney's Office of the 10th Judicial Circuit	153,450
For use in the District Attorney's Office of the 11th Judicial Circuit	35,600
For use in the District Attorney's Office of the 12th Judicial Circuit	31,025
For use in the District Attorney's Office of the 13th Judicial Circuit	97,425
For use in the District Attorney's Office of the 14th Judicial Circuit	43,058
For use in the District Attorney's Office of the 15th Judicial Circuit	169,808
For use in the District Attorney's Office of the 16th Judicial Circuit	61,000
For use in the District Attorney's Office of	

the 17th Judicial Circuit	29,000
For use in the District Attorney's Office of the 18th Judicial Circuit	38,303
For use in the District Attorney's Office of the 19th Judicial Circuit	37,080
For use in the District Attorney's Office of the 20th Judicial Circuit	69,865
For use in the District Attorney's Office of the 21st Judicial Circuit	38,600
For use in the District Attorney's Office of the 22nd Judicial Circuit	42,637
For use in the District Attorney's Office of the 23rd Judicial Circuit	67,725
For use in the District Attorney's Office of the 24th Judicial Circuit	31,000
For use in the District Attorney's Office of the 25th Judicial Circuit	27,000
For use in the District Attorney's Office of the 26th Judicial Circuit	85,640
For use in the District Attorney's Office of the 27th Judicial Circuit	53,800
For use in the District Attorney's Office of the 28th Judicial Circuit	29,000
For use in the District Attorney's Office of	

the 29th Judicial Circuit	37,900
For use in the District Attorney's Office of the 30th Judicial Circuit	34,000
For use in the District Attorney's Office of the 31st Judicial Circuit	31,400
For use in the District Attorney's Office of the 32nd Judicial Circuit	24,000
For use in the District Attorney's Office of the 33rd Judicial Circuit	29,200
For use in the District Attorney's Office of the 34th Judicial Circuit	21,489
For use in the District Attorney's Office of the 35th Judicial Circuit	33,000
For use in the District Attorney's Office of the 36th Judicial Circuit	21,800
For use in the District Attorney's Office of the 37th Judicial Circuit	30,600
For use in the District Attorney's Office of the 38th Judicial Circuit	34,623
For use in the District Attorney's Office of the 39th Judicial Circuit	12,000
Appropriations of Salaries of Personnel Established by Statute are estimated. Travel Expense of District Attorneys	50,000

Telephone Service, Stationery, Stamps and necessary Office supplies for Office use of District Attorneys, Deputy District Attorneys or Assistants (Provided, however, that none of this appropriation shall be expended for books and equipment purchases) 92,492

3,668,912

SOURCE OF FUNDS:

(1) State General Fund 3,668,912

Total District Attorneys	3,668,912	3,668,912
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4. JUDICIAL INQUIRY COMMISSION:

(a) Administrative Services Program 53,600

SOURCE OF FUNDS:

(1) State General Fund 53,600

Total Judicial Inquiry Commission	53,600	53,600
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5. JUDICIAL RETIREMENT SYSTEM:

(a) Retirement Systems Program 6,333,000

SOURCE OF FUNDS:

(1) State General Fund 6,333,000

Total Judicial Retirement System	6,333,000	6,333,000
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6. SUPREME COURT:

(a) Court Operations Program 1,655,600

SOURCE OF FUNDS:

(1) State General Fund 1,648,600

(2) Federal, Local and Miscellaneous Funds 7,000

Total Supreme Court	1,648,600	7,000	1,655,600
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7. UNIFIED JUDICIAL SYSTEM:

(a) Court Operations Program	26,527,575	
(b) Administrative Services Program	1,882,025	
SOURCE OF FUNDS:		
(1) State General Fund	28,409,600	
Total Unified Judicial System	28,409,600	28,409,600

III. EXECUTIVE:

A. DEPARTMENTS, AGENCIES,
AND OTHER ESSENTIAL FUNCTIONS OF THE EXECUTIVE
BRANCH:

1. ALABAMA ACADEMY OF HONOR:

(a) Historical Resources Management Program		1,350
SOURCE OF FUNDS:		
(1) State General Fund pursuant to provisions of Act No. 15, Third Special Session 1965	1,350	
Total Alabama Academy of Honor	1,350	1,350

2. ALABAMA STATE BOARD OF
PUBLIC ACCOUNTANCY:

(a) Professional and Occupational Licensing and Regulation Program		120,000
SOURCE OF FUNDS:		
(1) State Board of Public Accountancy Fund	120,000	
In addition to the amounts appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.		
Total Alabama State Board of Public Accountancy	120,000	120,000

3. BOARD OF ADJUSTMENT:

(a) Special Services Program		148,500
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SOURCE OF FUNDS:

(1) State General Fund for the General Fund Contribution to the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, Section 73 of the Code of Alabama 1975...	15,000
(2) State General Fund for expenditures as provided in Act No. 208, 1966 Special Session and Act No. 436, 1967 Regular Session, Estimated	133,500

Total Board of Adjustment	148,500	148,500
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4. DEPARTMENT OF AERONAUTICS:

(a) Airport Development and Aeronautical Support Program	685,770
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SOURCE OF FUNDS:

(1) Airport Development Fund as provided by Act No. 402, 1945 Acts, page 620	685,770
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Total Department of Aeronautics	685,770	685,770
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5. COMMISSION ON AGING:

(a) Planning and Advocacy for Elderly Program	9,854,712
The above appropriation shall include a transfer to the State Personnel Department of \$10,324.	

SOURCE OF FUNDS:

(1) State General Fund — Transfer	196,000
(2) Federal, Local and Miscellaneous Funds	9,658,712

Total Commission on Aging	196,000	9,658,712	9,854,712
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**6. AGRICULTURAL CENTER
BOARD:**

(a) Agricultural Development Services Program			505,000
SOURCE OF FUNDS:			
(1) State General Fund for expenses and awarding of prizes for fairs as provided by Act No. 1122, 1969 Regular Session	90,000		
(2) State General Fund -- Transfer	310,000		
(3) Livestock Coliseum Fund ..		105,000	
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Total Agricultural Center Board	400,000	105,000	505,000

**7. ALABAMA AGRICULTURAL
AND INDUSTRIAL EXHIBIT
COMMISSION:**

(a) Agricultural Development Services Program			32,400
SOURCE OF FUNDS:			
(1) State General Fund	32,400		
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Total Alabama Agricultural and Industrial Exhibit Commission	32,400		32,400

**8. DEPARTMENT OF AGRICULTURE
AND INDUSTRIES:**

(a) Administrative Services Program			796,324
(b) Agricultural Inspection Services Program			8,077,909
(c) Laboratory Analysis and Disease Control Program			3,044,069
(d) Agricultural Development Services Program			498,268
SOURCE OF FUNDS:			
(1) State General Fund -- Transfer	4,650,000		
(2) Federal, Local and Miscellaneous Funds		2,462,260	
(3) Shipping Point Inspection Fund pursuant to Title 2, Chapter 9, Sections 20 and			

21, Code of Alabama, 1975. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities ...

3,572,910

- (4) Agricultural Fund (Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000 shall be transferred to the State General Fund.)

1,731,400

The above appropriation shall include transfers to the State Personnel Department of \$18,795 and to the Telephone Network Fund of \$67,300.

Total Department of Agriculture and Industries

4,650,000

7,766,570

12,416,570

9. ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD:

- (a) Alcoholic Beverage Management Program
- (b) Licensing and Enforcement Programs
- (c) Administrative Services Program

18,206,603

5,745,665

2,840,782

The above appropriation shall include transfers to the State Personnel Department of \$62,650, to Mental Health De-

partment of \$1,000,000, and to Telephone Network Fund of \$36,076.

SOURCE OF FUNDS:

(1) ABC Stores Fund	21,047,385
(2) Beer Excise Tax and Licensing	1,938,062
(3) Law Enforcement Division	3,807,603

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the

amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population.

Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board		26,793,050	26,793,050
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10. BOARD FOR REGISTRATION OF ARCHITECTS:			
(a) Professional and Occupational Licensing and Regulation Program			
		50,500	
SOURCE OF FUNDS:			
(1) Board of Architects Trust Fund as provided in Title 34, Chapter 2, Code of Alabama 1975, as Amended			
		50,500	
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Total Board for Registration of Architects		50,500	50,000
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11. ARCHIVES AND HISTORY:			
(a) Historical Resources Management Program			
			426,850
SOURCE OF FUNDS:			
(1) State General Fund			
		414,850	
(2) Federal, Local and Miscellaneous Funds			
		12,000	
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Total Archives & History		414,850	12,000
			426,850
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12. OFFICE OF THE ATTORNEY GENERAL:

(a) Legal Advice and Legal Services Program			2,890,158
SOURCE OF FUNDS:			
(1) State General Fund	2,200,000		
(2) Federal, Local and Miscellaneous Funds		690,158	
Total Office of the Attorney General	2,200,000	690,158	2,890,158

13. STATE AUDITOR:

(a) Fiscal Management Program			475,500
SOURCE OF FUNDS:			
(1) State General Fund	475,500		
Total State Auditor	475,500		475,500

14. STATE BANKING DEPARTMENT:

(a) Charter, License, and Regulate Financial Institutions Program			1,526,542
SOURCE OF FUNDS:			
(1) State General Fund — Transfer	343,000		
(2) Banking Assessment Fees as provided in Act No. 373, 1965 Regular Session		1,007,342	
(3) Bureau of Credit Unions as provided in Act No. 2293, 1971 Regular Session		143,550	
(4) Loan Examination Fund as provided in Act No. 374, 1959 Regular Session		32,650	
Total State Banking Department	343,000	1,183,542	1,526,542

15. ALABAMA STATE BAR ASSOCIATION:

(a) Professional and Occupational Licensing and Regulation Program			390,575
SOURCE OF FUNDS:			
(1) State Bar Association Fund, pursuant to Title 34, Chap-			

ter 3, Code of Alabama 1975		390,575	
Total Alabama State Bar Association		390,575	390,575
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16. BEAR CREEK DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			160,667
SOURCE OF FUNDS:			
(1) State General Fund	28,350		
(2) Federal, Local and Miscellaneous Funds		132,317	
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Total Bear Creek Development Authority	28,350	132,317	160,667
17. BRIERFIELD STATE PARK:			
(a) Outdoor Recreation Sites and Services Program			20,000
SOURCE OF FUNDS:			
(1) State General Fund	20,000		
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Total Brierfield State Park	20,000		20,000
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18. BUILDING COMMISSION:			
(a) Special Services Program			626,196
SOURCE OF FUNDS:			
(1) State General Fund	118,000		
(2) Federal, Local and Miscellaneous Funds		508,196	
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Total Building Commission	118,000	508,196	626,196
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19. BUILDING COMMISSION — ENERGY MANAGEMENT:			
(a) Special Services Program			76,429
SOURCE OF FUNDS:			
(1) Federal, Local and Miscellaneous Funds		76,429	
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Total Building Commission — Energy Management		76,429	76,429
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20. ALABAMA STATE BOARD OF CHIROPRACTIC EXAMINERS:			
(a) Professional and Occupational			

Licensing and Regulation Program			21,100
SOURCE OF FUNDS:			
(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Act No. 108, 1959 Regular Ses- sion		21,100	
Total Alabama State Board of Chiropractic Examiners	21,100		21,100
21. DEPARTMENT OF CIVIL DE- FENSE:			
(a) Readiness and Recovery Pro- gram			815,163
The above appropriation shall include a transfer to the Tele- phone Network Fund of \$9,952.			
SOURCE OF FUNDS:			
(1) State General Fund	262,000		
(2) Federal, Local and Miscel- laneous Funds		553,163	
Total Department of Civil De- fense	262,000	553,163	815,163
22. ALABAMA COASTAL AREA BOARD:			
(a) Coastal Area Management Pro- gram			875,000
SOURCE OF FUNDS:			
(1) State General Fund — Transfer	50,000		
(2) Federal, Local and Miscel- laneous Funds		825,000	
Total Alabama Coastal Area Board	50,000	825,000	875,000
23. DEPARTMENT OF CONSERVA- TION AND NATURAL RESOURCES:			
(a) Wildlife and Gamefish Manage- ment Program			8,153,635
(b) State Land Management Pro- gram			210,978

(c) Outdoor Recreation Sites and Services Program	12,608,209
(d) Administrative Services Program	2,844,007
(e) Land Survey Program	225,382

The above appropriation shall include transfers to the State Personnel Department of \$28,819 and to the Telephone Network Fund of \$13,684 out of the Game and Fish Fund and \$10,576 out of the Administration Fund.

SOURCE OF FUNDS:

(1) Game and Fish Fund	6,862,515
(2) State Lands Fund	210,978

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and off-shore areas.

(3) Marine Resources Fund	1,041,120
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Director of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(4) Marine Police Fund	1,714,949
(5) Land Surveyors Fund	225,382
(6) Parks Fund	7,143,260
(7) Administrative Funds	2,844,007

The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Sec-

tion 1, Code of Alabama 1975.

(8) State General Fund 4,000,000

Total Department of Conservation 4,000,000 20,042,211 24,042,211

24. GOVERNOR'S OFFICE OF CONSUMER PROTECTION:

(a) Fair Marketing Practices Program 201,583

SOURCE OF FUNDS:

(1) State General Fund 189,400

(2) Federal, Local and Miscellaneous Funds 12,183

Total Governor's Office of Consumer Protection 189,400 12,183 201,583

25. STATE LICENSING BOARD FOR GENERAL CONTRACTORS:

(a) Professional and Occupational Licensing and Regulation Program 168,000

SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund 168,000

Pursuant to Title 34, Chapter 8, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors 168,000 168,000

26. BOARD OF CORRECTIONS:

(a) Administrative Services and Logistical Support Program 2,381,466

(b) Institutional Services Corrections Program 24,228,570

(c) Correctional Industries Program

3,199,207

The above appropriation shall include transfers to the State Personnel Department of \$58,891 and to the Telephone Network Fund of \$51,376.

SOURCE OF FUNDS:

(1) State General Fund — Transfers	18,100,000	
(2) Federal, Local and Miscellaneous Funds		750,000
(3) Federal Revenue Sharing ...		7,000,000
(4) Board of Corrections Funds		3,959,243

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriated, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

Provided, however, that no funds herein appropriated to the Board of Corrections shall be expended for Capital Outlay without prior approval of the Joint Corrections Management and Performance Evaluation Committee of the Legislature.

Total Board of Corrections	18,100,000	11,709,243	29,809,243
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27. ALABAMA BOARD OF COSMETOLOGY:

(a) Professional and Occupational Licensing and Regulation Program

272,333

SOURCE OF FUNDS:

- (1) Alabama Board of Cosmetology Fund pursuant to provisions of Act No. 653,

1957 Regular Session	272,333		
Total Alabama Board of Cosmetology	272,333	272,333	
<hr/>			
28. ALABAMA CRIMINAL JUSTICE INFORMATION SYSTEM:			
(a) Criminal Justice Information Services Program		2,573,539	
SOURCE OF FUNDS:			
(1) State General Fund — Transfer	2,000,000		
(2) Federal, Local and Miscellaneous Funds		573,539	
Total Alabama Criminal Justice Information System	2,000,000	573,539	2,573,539
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29. ALABAMA DAIRY COMMISSION:			
(a) Regulatory Services Program		427,925	
SOURCE OF FUNDS:			
(1) Dairy Commission Fund as provided in Title 2, Chapter 13, Code of Alabama 1975		427,925	
Total Alabama Dairy Commission		427,925	427,925
<hr/>			
30. ALABAMA DEVELOPMENT OFFICE:			
(a) Industrial Development Program		2,007,000	
(b) Bureau of Publicity and Information-Tourism and Travel Promotion Program		1,310,416	
Of the above appropriation, the Industrial Development Program shall allocate \$90,000 for the Office of Minority Business and transfer \$2,784 to the State Personnel Department and \$38,589 to the Telephone Network Fund; the Tourism and Travel Promotion Program shall transfer \$6,344 to the			

Telephone Network Fund.

SOURCE OF FUNDS:

(1) State General Fund — Transfer — Alabama De- velopment Office	1,662,000		
(2) State General Fund — Transfer — Publicity and Information	500,000		
(3) Lodgings Tax (1c) — Re- ceipts collected under the provisions of Act No. 269, 1963 Regular Session for the Bureau of Publicity and Information			1,310,416
(4) Federal, Local and Miscel- laneous Funds	345,000		
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Total Alabama Development Office	2,162,000	1,655,416	3,817,416

31. STATE BOARD OF REGISTRA-
TION FOR PROFESSIONAL EN-
GINEERS & LAND SURVEYORS:

(a) Professional and Occupational Licensing and Regulation Pro- gram	247,871
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SOURCE OF FUNDS:

(1) Professional Engineers' Fund as provided in Title 34, Chapter 11, Code of Alabama 1975, as amended, and Act No. 1049, 1975 Regular Session	247,871	
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Total State Board of Registra- tion for Professional Engineers and Land Surveyors	247,871	247,871

32. ALABAMA ETHICS COMMIS-
SION:

(a) Regulation of Public Officials and Employees Program	165,000
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SOURCE OF FUNDS:

(1) State General Fund	165,000	
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Total Alabama Ethics Commis- sion	165,000	165,000

33. FARMERS' MARKET AUTHORITY:

(a) Agricultural Development Services Program			1,100,000
SOURCE OF FUNDS:			
(1) State General Fund — Transfer	64,000		
(2) State General Fund — Transfer for Capital Outlay	936,000		
(3) Farmers' Market Authority Fund — Revenue and Capital Outlay Account		100,000	
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Total Farmers' Market Authority	1,000,000	100,000	1,100,000
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34. DEPARTMENT OF FINANCE:

(a) Fiscal Management Program...			1,517,342
(b) Administrative Support Services Program			3,515,991
(c) Administrative Support Services Program — Repair, renovate, and clean state buildings Of the appropriation in (b) above \$400,000 shall be transferred to the Data Center Operating Fund.			650,000
SOURCE OF FUNDS:			
(1) State General Fund	5,150,000		
(2) State Funds		533,333	
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Total Department of Finance ...	5,150,000	533,333	5,683,333
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35. FINANCE — TELEPHONE NETWORK FUND:

(a) Administrative Support Services Program			3,360,000
SOURCE OF FUNDS:			
(1) State General Fund	532,000		
(2) Transfer from Alcoholic Beverage Control Board ..		36,076	
(3) Transfer from Agriculture and Industries		67,300	
(4) Transfer from Public Service Commission		55,980	
(5) Transfer from Revenue Department		90,812	

(6) Transfer from Conservation — Game and Fish	13,684
(7) Transfer from Conservation — Administrative	10,576
(8) Transfer from State Forestry Commission	42,420
(9) Transfer from Highway Department	129,624
(10) Transfer from Mental Health	30,108
(11) Transfer from Pensions and Security	80,488
(12) Transfer from Law Enforcement Planning Agency	21,520
(13) Transfer from Industrial Relations	145,672
(14) Transfer from Department of Education	1,200,000
(15) Accounts Receivable	384,000
(16) Transfer from ADO—Publicity and Information	6,344
(17) Transfer from Pardons and Paroles	14,804
(18) Transfer from Civil Defense	9,952
(19) Transfer from Health Department	243,948
(20) Transfer from Medical Services Administration	52,992
(21) Transfer from Board of Corrections	51,376
(22) Transfer from Commission on Aging	10,324
(23) Transfer from Personnel Department	3,732
(24) Transfer from Youth Services	33,090
(25) Transfer from Alabama Occupational Information Services	5,598
(26) Transfer from Alabama Development Office	38,589
(27) Transfer from Office of State Planning and Federal Programs	20,875
(28) Transfer from Retirement System	28,116

Total Finance Telephone Network Fund			
	532,000	2,828,000	3,360,000
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36. FOREIGN TRADE RELATIONS COMMISSION:			
(a) Special Services Program			36,000
SOURCE OF FUNDS:			
(1) State General Fund	36,000		
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Total Foreign Trade Relations Commission	36,000		36,000
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37. ALABAMA DEPARTMENT OF TOXICOLOGY AND CRIMINAL INVESTIGATION:			
(a) Forensic Science Services Program			2,002,000
SOURCE OF FUNDS:			
(1) State General Fund	1,750,000		
(2) Federal, Local and Miscellaneous Funds		252,000	
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Total Department of Toxicology and Criminal Investigation	1,750,000	252,000	2,002,000
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38. ALABAMA STATE BOARD OF REGISTRATION FOR FORESTERS:			
(a) Professional and Occupational Licensing and Regulation Program			17,900
SOURCE OF FUNDS:			
(1) Professional Foresters' Fund		17,900	
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Total Alabama State Board of Registration for Foresters		17,900	17,900
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39. ALABAMA FORESTRY COMMISSION:			
(a) Forest Resource Protection Program			6,591,114
(b) Forest Resource Management Program			1,672,000
(c) Forestry Information and Education Program			229,256

(d) Administrative Services Program

865,000

The above appropriation shall include transfers to the State Personnel Department of \$20,048 and to the Telephone Network Fund of \$42,420.

SOURCE OF FUNDS:

(1) State General Fund —
Transfer

4,100,000

(2) Federal and Local Funds ...

2,175,928

(3) Forestry Commission Fund

3,081,442

It is provided that in the event receipts into the Forestry Commission Fund from County appropriations exceed the sum of \$500,000 then such excess is hereby appropriated. It is further provided that in the event receipts into the Forestry Commission Fund from Federal Funds exceed the sum of \$1,000,000, then such excess is hereby appropriated. In the event of an emergency, so determined by the Director of the Forestry Commission with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Forestry Commission.

Of the above appropriation \$100,000 shall be used for rural and community fire protection.

Total Alabama Forestry Commission

4,100,000

5,257,370

9,357,370

40. ALABAMA HISTORICAL COMMISSION — FORT MORGAN:

(a) Historical Resources Management Program

92,128

SOURCE OF FUNDS:

(1) State General Fund

79,600

(2) Federal, Local and Miscellaneous Funds		12,528	
Total Alabama Historical Commission — Fort Morgan	79,600	12,528	92,128

41. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			81,900
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund as provided in Act No. 214, 1975 Regular Session	81,900		
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Total Alabama Board of Funeral Service		81,900	81,900
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42. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program			1,451,189
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The above appropriation shall include a transfer to the State Personnel Department of \$3,133.

SOURCE OF FUNDS:

(1) State General Fund	1,000,000		
(2) Federal, Local and Miscellaneous Funds		451,189	

Total Geological Survey	1,000,000	451,189	1,451,189
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43. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program			9,100
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SOURCE OF FUNDS:

(1) State General Fund — to provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383 and an additional amount	8,100		
(2) Federal, Local and Miscellaneous Funds			

aneous Funds		1,000	
Total Gorgas Memorial Board...	8,100	1,000	9,100
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44. GOVERNOR'S OFFICE:			
(a) Executive Direction Program...			977,400
SOURCE OF FUNDS:			
(1) State General Fund	977,400		
Total Governor's Office	977,400		977,400
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45. HEALING ARTS, STATE LICENSING BOARD FOR THE:			
(a) Professional and Occupational Licensing and Regulation Program			94,250
SOURCE OF FUNDS:			
(1) State Licensing Board for the Healing Arts Fund		94,250	
Total State Licensing Board for the Healing Arts		94,250	94,250
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46. DEPARTMENT OF PUBLIC HEALTH:			
(a) Administrative Services Program			3,104,619
(b) Health Support Services Program			10,007,396
(c) Personal Health Improvement Program			26,272,119
(d) Environmental Health Improvement Program			6,747,764
(e) Special Services Program			1,485,705
(f) Health Planning, Development and Regulation Program			7,122,591
The above appropriation shall include transfers to the State Personnel Department of \$104,000 and to the Telephone Network Fund of \$243,948.			
SOURCE OF FUNDS:			
(1) State General Fund	13,000,000		
(2) General and Mental Health Fund as provided in Act No. 654, 1965 Regular Session		1,800,000	

(3) General and Mental Health Fund as provided in Act No. 275, 1967 Regular Session, as amended	2,450,000		
(4) Vital Statistics Fund	738,831		
(5) Hospital Licensing Fund	85,000		
(6) Emergency Medical Services Fund as provided in Act No. 1590, 1971, Regular Session	33,000		
(7) Water Improvement Commission Fines	314,069		
(8) Air Pollution Commission Fines	80,085		
(9) Miscellaneous Revenues	2,694,051		
(10) Federal Funds	33,545,158		
Total Department of Public Health	13,000,000	41,740,194	54,740,194

47. HEARING AID DEALERS, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		15,400	
SOURCE OF FUNDS:			
(1) Health — Hearing Aid Fund as provided in Act No. 2425, 1971 Regular Session	15,400		
Total Alabama Board of Hearing Aid Dealers	15,400	15,400	

48. HIGHWAY DEPARTMENT:

(a) Central Administration Program	7,080,700		
(b) Division and District Supervision Program	13,259,431		
(c) Operations and Support Services Program	5,449,338		
(d) Maintenance Program	59,167,615		
(e) Non-Programmatic Expenditures	40,753,184		
Proposed Spending Plan for the above (e) includes the following:			

Debt Service	40,130,250	
Equipment —		
Automotive	500,000	
Equipment—Other		
than Automotive ...	122,934	
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	40,753,184	
(f) Captive Counties Program		11,818,867
(g) Construction — Federal Aid		
Program		252,502,569
(h) Construction — State Program		45,403,397
(i) State Aid Maintenance Pro-		
gram		22,575,000

The above appropriation shall include transfers to the State Personnel Department of \$256,865 and to the Telephone Network Fund of \$129,624.

SOURCE OF FUNDS:

(1) State General Fund	75,000	
(2) Public Road and Bridge		
Fund		236,050,255
(3) Captive County Funds		11,818,867
(4) Federal Aid		172,533,017
(5) Bond Proceeds		37,532,962

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority or Alabama Highway Finance Corporation, a total of \$40,130,250 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Budget Office shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a) (b) (c) (d) (e) of this section whenever such

transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in section (e) hereof shall be paid in full —
- (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a) (b) (c) (d) (e) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct.

The funds appropriated in section (e) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the pur-

pose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department	75,000	457,935,101	458,010,101
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49. HIGHWAY AND TRAFFIC SAFETY, OFFICE OF:			
(a) Traffic Control and Accident Prevention Element			3,558,800
SOURCE OF FUNDS:			
(1) State General Fund —			
Transfer	88,000		
(2) Federal, Local and Miscellaneous Funds		3,470,800	
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Total Office of Highway and Traffic Safety	88,000	3,470,800	3,558,800
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50. HISTORIC CHATTAHOOCHEE COMMISSION:			
(a) Historical Resources Management Program			71,100
SOURCE OF FUNDS:			
(1) State General Fund —			
Transfer	71,100		
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Total Historic Chattahoochee Commission	71,100		71,100
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51. ALABAMA HISTORICAL COMMISSION:			
(a) Historical Resources Management Program			1,544,607

(b) Historical Restoration of Gaineswood		100,000
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SOURCE OF FUNDS:

(1) State General Fund — Transfer	271,000	
(2) Federal, Local and Miscellaneous Funds		1,373,607

Total Alabama Historical Commission	271,000	1,373,607	1,644,607
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52. DEPARTMENT OF INDUSTRIAL RELATIONS:

(a) Skills Enhancement and Employment Opportunities Program		78,008,925
(b) Unemployment Compensation Program		148,540,820
(c) Administrative Services Program		2,376,389
(d) Industrial Safety and Accident Prevention Program		1,626,311
(e) Employment and Social Opportunities Program		103,726

The above appropriation shall include transfers to the State Personnel Department of \$82,698 and to the Telephone Network Fund of \$145,672.

SOURCE OF FUNDS:

(1) State General Fund	725,000	
(2) Federal, Local and Miscellaneous Funds		229,931,171

Total Department of Industrial Relations	725,000	229,931,171	230,656,171
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53. STATE EMPLOYEES' INSURANCE BOARD:

(a) Administrative Support Services Program		68,950
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SOURCE OF FUNDS:

(1) State General Fund	68,950	
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Total State Employees' Insurance Board	68,950	68,950
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54. DEPARTMENT OF INSURANCE:

(a) Regulatory Services Program... 1,738,301

The above appropriation shall include a transfer to the State Personnel Department of \$3,133.

SOURCE OF FUNDS:

(1) State General Fund	842,000		
(2) State Insurance Fund as provided in Title 27, Chapter 2, Section 25, Code of Alabama 1975		767,315	
(3) Fire Marshal's Fund as provided in Act No. 1938, 1971 Regular Session, as amended.			
Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund		128,986	

Total Department of Insurance	842,000	896,301	1,738,301
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55. DEPARTMENT OF LABOR:

(a) Regulatory Services Program... 249,480

SOURCE OF FUNDS:

(1) State General Fund	210,000		
(2) Federal, Local and Miscellaneous Funds		39,480	

Total Department of Labor.....	210,000	39,480	249,480
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56. LAGRANGE HISTORICAL COMMISSION:

(a) Historical Resources Management Program 3,750

SOURCE OF FUNDS:

(1) State General Fund — as authorized by Act No. 551, 1943 Acts, page 540	2,250		
(2) Federal, Local and Miscellaneous Funds		1,500	

Total LaGrange Historical Commission	2,250	1,500	3,750
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**57. BOARD OF EXAMINERS OF
LANDSCAPE ARCHITECTS:**

(a) Professional and Occupational
Licensing and Regulation Pro-
gram 5,100

SOURCE OF FUNDS:

(1) Landscape Architects Fund 5,100

Total Board of Examiners of
Landscape Architects 5,100 5,100

58. ALABAMA LAW ENFORCEMENT

(a) Law Enforcement Planning
and Development Program 9,964,000

The above appropriation shall
include transfers to the State
Personnel Department of \$3,133
and to the Telephone Network
Fund of \$21,520.

SOURCE OF FUNDS:

(1) State General Fund —
Transfer for Matching Fed-
eral Funds 550,000

(2) Federal, Local and Miscel-
laneous Funds 9,414,000

Total Law Enforcement Plan-
ning Agency 550,000 9,414,000 9,964,000

In addition to the above appro-
priation there is hereby appro-
priated \$500,000 to the Alabama
Law Enforcement Planning
Agency to be conditional upon
the condition of the State Gen-
eral Fund and upon the ap-
proval of the Governor.

**59. LIQUEFIED PETROLEUM GAS
BOARD:**

(a) Regulatory Services Program .. 98,000

SOURCE OF FUNDS:

(1) L. P. Gas Board Fund 98,000

Total Liquefied Petroleum Gas
Board 98,000 98,000

60. MEDICAL SERVICES ADMINISTRATION:

(a) Medical Assistance through Medicaid Program			246,544,493
The above appropriation shall include transfers to the State Personnel Department of \$10,024 and to the Telephone Network Fund of \$52,992.			
SOURCE OF FUNDS:			
(1) State General Fund — Transfer	66,000,000		
(2) Transfer from Department of Mental Health		5,073,331	
(3) Transfer from Pensions and Securities		640,000	
(4) Federal, Local and Miscellaneous Funds		174,831,162	
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Total Medical Services Administration	66,000,000	180,544,493	246,544,493
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In addition to the above appropriation there is hereby appropriated \$5,000,000 to Medical Services Administration to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

61. DEPARTMENT OF MENTAL HEALTH:

(a) Institutional Treatment and Care — Mental Illness Program			47,720,473
(b) Institutional Treatment and Care—Mental Retardation Program			39,350,131
(c) Non-Institutional Treatment, Care Program and Community Program			25,322,889
Of this amount \$10,927,951 shall be used for Community Program.			
(d) Administrative Services Program			3,768,395

The above appropriation shall include transfers to the State Personnel Department of \$256,865 and to

the Telephone Network Fund of \$30,108.

SOURCE OF FUNDS:

(1) Special Mental Health Fund — for operation and maintenance of the State Mental Health Department including the purchase of drugs to medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals	67,274,333	
(2) Special Mental Health Fund — Community Program	8,127,951	
(3) Transfer from ABC Profits	1,000,000	
(4) Cigarette Taxes	6,300,000	
(5) Federal, Local and Miscellaneous Funds	17,059,604	
(6) Federal Revenue Sharing ..	16,400,000	
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Total Department of Mental Health	116,161,888	116,161,888

62. A—MILITARY DEPARTMENT:

(a) Military Operations Program ..	3,423,900
(b) Capital Outlay	776,100

SOURCE OF FUNDS:

(1) State General Fund — Transfer Capital Outlay for the Armories at Arab, Eufaula, Fort Payne, Jackson and Sub-Surface Soil Investigation	733,500
(2) State General Fund Transfer for Architect and Engineering Services and Specifications for the Armories at Fayette, Huntsville, Montgomery, and Vernon ..	42,600
(3) State General Fund — Operations	937,070
(4) State General Fund—Quarterly Allowances Headquarters — Regular Allowance Units to be used solely for operating expenses; provided, that no more than	

\$4,500 shall be allotted in any fiscal year for the Headquarters Alabama National Guard			688,080	
(5) State General Fund — Active Military Service			112,350	
(6) State General Fund — For transfer to Armory Commission			1,686,400	
Total Military Department			4,200,000	4,200,000

62. B — ARMORY COMMISSION OF ALABAMA:

(a) Military Operations Program ...		2,431,058	
SOURCE OF FUNDS:			
(1) Transfer from Military Department		1,686,400	
(2) Federal, Local and Miscellaneous Funds		744,658	

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of armories.

Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	2,431,058	2,431,058
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63. BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS:

(a) Professional and Occupational

Licensing and Regulation Program			11,000
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SOURCE OF FUNDS:

(1) Nursing Home Administration Fund	11,000		
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Total Board of Examiners of Nursing Home Administrators	11,000		11,000
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64. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Development Program			792,000
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SOURCE OF FUNDS:

(1) State General Fund	792,000		
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Total Oil and Gas Board	792,000		792,000
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65. BOARD OF PARDONS AND PAROLES:

(a) Administration of Pardons and Paroles Program			3,504,700
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The above appropriation shall include transfers to the State Personnel Department of \$10,024 and to the Telephone Network Fund of \$14,804.

SOURCE OF FUNDS:

(1) State General Fund	2,429,000		
(2) Probationers Upkeep Fund		612,000	
(3) Federal, Local and Miscellaneous Funds		463,700	

Total Board of Pardons and Paroles	2,429,000	1,075,700	3,504,700
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66. ALABAMA PEACE OFFICERS' ANNUITY AND BENEFIT FUND:

(a) Retirement Systems Program			179,700
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Act No. 1210, 1971 Regular Session		179,700	
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Total Alabama Peace Officers' Annuity and Benefit Fund		179,700	179,700
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67. PENSIONS:

- (a) Social Services Program — for Confederate Veterans and their widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.

SOURCE OF FUNDS:

- (1) Proceeds from the levy of the one mill tax as provided by Title 40, Chapter 8, Section 361, Code of Alabama, 1975.

68. PENSIONS AND SECURITY:

(a) Financial Assistance Program.....	113,400,444
(b) Social Services Program	56,037,553
(c) Food Assistance Program	13,740,342
(d) Child Support Enforcement Program	4,906,871

The above appropriation shall include transfers to the State Personnel Department of \$199,227 and to the Telephone Network Fund of \$80,488.

SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds	119,137,068
(2) Liquor License Tax	1,569,617
(3) ABC Profits	2,150,436
(4) Whiskey Tax	20,061,877
(5) State General Fund	9,000,000
(6) Beer Tax	6,748,540
(7) Pension Residue	6,854,128
(8) Sales Tax	1,322,000
(9) Franchise Tax	8,235,099
(10) Contracts, Service Fees	365,375
(11) Child Support Collections	1,489,100
(12) Sales Tax for Food Stamps	5,300,000
(13) Cigarette Tax	4,629,000
(14) Contractor's Gross Receipts Tax	1,212,470
(15) Pension Fund	10,500

Total Pension and Security	9,000,000	179,085,210	188,085,210
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In addition to the above appropriation there is hereby appro-

priated \$2,000,000 to the Department of Pensions and Securities to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

69. STATE PERSONNEL DEPARTMENT:

(a) Administrative Support Program		1,637,376
The above appropriation shall include a transfer to the Telephone Network Fund of \$3,732.		
SOURCE OF FUNDS:		
(1) State General Fund — Transfer	130,000	
(2) Federal, Local and Miscellaneous Funds		255,000
(3) Transfer from Agriculture and Industries		18,795
(4) Transfer from Alcoholic Beverage Control Board		62,650
(5) Transfer from Alabama Development Office		2,784
(6) Transfer from Conservation Department		28,819
(7) Transfer from Board of Corrections		58,981
(8) Transfer from State Docks		5,012
(9) Transfer from Education		71,421
(10) Transfer from Forestry Commission		20,048
(11) Transfer from Geological Survey		3,133
(12) Transfer from Health Department		104,000
(13) Transfer from Highway Department		256,865
(14) Transfer from Industrial Relations		82,698
(15) Transfer from Insurance Department		3,133
(16) Transfer from Law Enforcement Planning Agency		3,133
(17) Transfer from Medical Services Administration		10,024

(18) Transfer from Department of Mental Health	256,865		
(19) Transfer from Pardons and Paroles	10,024		
(20) Transfer from Pensions and Security	199,227		
(21) Transfer from Office of State Planning and Federal Programs	2,228		
(22) Transfer from Public Service Commission	3,759		
(23) Transfer from Retirement Systems	5,012		
(24) Transfer from Revenue Department	43,855		
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Total State Personnel Department	130,000	1,507,376	1,637,376
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70. BOARD OF PHYSICAL THERAPY:

(a) Professional and Occupational Licensing and Regulation Program			14,200
SOURCE OF FUNDS:			
(1) Physical Therapist Fund.....	14,200		
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Total Board of Physical Therapy		14,200	14,200
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71. OFFICE OF STATE PLANNING AND FEDERAL PROGRAMS:

(a) State Planning Program			5,391,297
(b) Energy Management Program			3,428,960
The above appropriation shall include transfers to the State Personnel Department of \$2,228 and to the Telephone Network Fund of \$20,875.			
SOURCE OF FUNDS:			
(1) State General Fund — Transfer	1,256,600		
(2) Federal, Local and Miscellaneous Funds		7,563,657	
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Total Office of State Planning and Federal Programs	1,256,600	7,563,657	8,820,257
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72. PREVAILING WAGE COMMISSION:

(a) Regulatory Services Program		16,200
SOURCE OF FUNDS:		
(1) State General Fund	16,200	
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Total Prevailing Wage Commission	16,200	16,200
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73. OFFICE OF PROSECUTION SERVICES:

(a) Prosecution, Training, Education and Management Program		151,900
SOURCE OF FUNDS:		
(1) Federal, Local and Miscellaneous Funds	151,900	
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Total Prosecution Services	151,900	151,900
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74. ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY:

(a) Professional and Occupational Licensing and Regulation Program		10,200
SOURCE OF FUNDS:		
(1) Board of Examiners of Psychology Fund	10,200	
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Total Board of Examiners in Psychology	10,200	10,200
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75. DEPARTMENT OF PUBLIC SAFETY:

(a) Traffic Control and Accident Prevention Program		10,370,637
(b) Criminal Investigation Program		1,759,511
(c) Driver's Licensing and Improvement Program		4,960,448
(d) Public Safety Support Service Program		6,266,745
(e) Administrative Services Program	1,542,659	
(f) Alabama Criminal Justice Training Center Program		1,100,000
SOURCE OF FUNDS:		
(1) State General Fund	26,000,000	
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Total Department of Public Safety		26,000,000	26,000,000
<hr/>			
76. PUBLIC SERVICE COMMISSION:			
(a) Executive Function Program ...			825,000
(b) Regulatory Function Program			2,400,000
The above appropriation shall include transfers to the State Personnel Department of \$3,759 and to the Telephone Network Fund of \$55,980.			
SOURCE OF FUNDS:			
(1) Public Service Commission Fund		3,225,000	
The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission at the end of the fiscal year in excess of \$500,000 shall be transferred to the State General Fund.			
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Total Public Service Commission		3,225,000	3,225,000
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77. ALABAMA REAL ESTATE COMMISSION:			
(a) Professional and Occupational Licensing and Regulation Program			464,040
SOURCE OF FUNDS:			
(1) Alabama Real Estate Commission Fund — as provided in Title 34, Chapter 27, Code of Alabama 1975, as amended and the total expenditures shall in no			

manner exceed the amounts hereby appropriated	464,040	
Total Real Estate Commis- sion	464,040	464,040
<hr/>		
78. EMPLOYEES' RETIREMENT SYS- TEM OF ALABAMA (GENERAL FUND'S PART):		
(a) Retirement System Program, Estimated		7,270,500
SOURCE OF FUNDS:		
(1) State General Fund — Estimated	7,270,500	
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Total Employees' Retirement System of Alabama (General Fund's Part)	7,270,500	7,270,500
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79. REVENUE DEPARTMENT:		
(a) State Revenue Administration Program		17,878,419
The above appropriation shall include transfers to the State Personnel Department of \$43,855 and to the Telephone Network Fund of \$90,812.		
SOURCE OF FUNDS:		
(1) State General Fund	250,000	
Appropriated by Act No. 160, 3rd Special Session 1971, to maintain a program for the equalization of ad valorem tax assessments.		
(2) Transfer from the gross proceeds of Financial In- stitution Excise Tax Col- lections		188,906
(3) Transfer from the gross proceeds of the Forest Se- verance Tax Collections		173,801
(4) Transfer from the gross proceeds of Gasoline Tax Collections		1,260,470
(5) Transfer from the Income Tax Collections		4,192,998
(6) Transfer from the gross		

proceeds of Motor Fuel Tax Collections	727,946
(7) Transfer from the gross proceeds of Motor Vehicle License Collections	736,090
(8) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	224,734
(9) Transfer from the Public School Fund as part of the cost of collections of the 3- Mill Ad Valorem Tax	555,323
(10) Transfer from the gross proceeds of Sales Tax Col- lections	5,834,221
(11) Transfer from the gross proceeds of the Tobacco Tax Collections	1,200,215
(12) Transfer from the gross proceeds of Use Tax Col- lections	573,236
(13) Transfer from the gross proceeds of Cigarette Tax Collections, Act No. 275, 1967 Regular Session	242,650
(14) Transfer from the gross proceeds of the Utility Tax Collections as provided in Act No. 37, 1969 Special Session	374,557
(15) Federal, Local and Miscel- laneous Funds	1,343,272

The amounts hereinabove ap-
propriated for the cost of
maintenance and operations of
the Department of Revenue are
in lieu of any other statu-
tory provisions for the pay-
ment of the cost of operating
said Department or collection
of the taxes as authorized by
law.

Provided, however, in addition
to the amount hereinabove ap-
propriated, there is hereby ap-
propriated, to the Department
of Revenue all sums allowed

the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Revenue Department	250,000	17,628,419	17,878,419
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80. REVENUE — AUTO TITLE AND ANTITHEFT:

(a) State Revenue Administration Program		946,141
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SOURCE OF FUNDS:

(1) State General Fund — Transfer	946,141	
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Total Revenue — Auto Title and Antitheft	946,141	946,141
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81. REVENUE — BOARDS OF EQUALIZATION:

(a) State Revenue Administration Program		144,000
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SOURCE OF FUNDS:

(1) State General Fund	144,000	
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Total Revenue — Boards of Equalization	144,000	144,000
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82. REVENUE — MOTOR VEHICLE LICENSE:

(a) State Revenue Administration Program		2,019,000
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SOURCE OF FUNDS:

(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	2,019,000	
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Total Revenue — Motor Vehicle License	2,019,000	2,019,000
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83. RICHMOND P. HOBSON MEMORIAL BOARD:

(a) Historical Resource Management Program		10,694
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SOURCE OF FUNDS:

(1) State General Fund — to provide the appropriation authorized by Act No. 536, 1943 Acts, page 510, and an additional amount...				7,650		
(2) Richmond Pearson Hobson Operating Fund					3,044	
Total Richmond P. Hobson Operating Fund					3,044	
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84. BOARD OF REGISTRATION FOR SANITARIANS:						
(a) Professional and Occupational Licensing and Regulation Program					3,700	
(1) Registration Board of Sanitarians Funds — as provided in Act No. 209, 1964 Second Special Session					3,700	
Total Board of Registration for Sanitarians					3,700	3,700
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85. SECRETARY OF STATE:						
(a) Administrative Support Services Program					308,300	
SOURCE OF FUNDS:						
(1) State General Fund				308,300		
Total Secretary of State				308,300		308,300
<hr/>						
86. SECURITIES COMMISSION:						
(a) Regulatory Services Program					457,000	
SOURCE OF FUNDS:						
(1) State General Fund				375,000		
(2) Federal, Local and Miscellaneous Funds					60,000	
(3) Sales of Checks License Fund					12,000	
(4) Exemption Fund					10,000	
Total Securities Commission ..				375,000	82,000	457,000
<hr/>						
87. SOCIAL SECURITY AGENCY:						
(a) Administrative Support Services Program						233,705

SOURCE OF FUNDS:

(1) State General Fund	189,000		
(2) Contribution Fund		20,700	
(3) Federal, Local and Miscellaneous Funds		24,005	
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Total Social Security Agency	189,000	44,705	233,705
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88. ALABAMA STATE BOARD OF SOCIAL WORK EXAMINERS:

(a) Professional and Occupational Licensing and Regulation Program			46,200
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SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund — as provided in Act No. 652, 1977 Regular Session		46,200	
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Total Alabama State Board of Social Work Examiners		46,200	46,200
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89. ALABAMA STATE SOIL AND WATER CONSERVATION COMMITTEE:

(a) Water Resource Development Program			410,650
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SOURCE OF FUNDS:

(1) State General Fund	410,650		
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Water Conservation Committee	410,650		410,650
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90. SOUTHERN GROWTH POLICIES BOARD:

(a) Special Services Program			22,000
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SOURCE OF FUNDS:

(1) State General Fund	22,000		
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Total Southern Growth Policies Board	22,000		22,000
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91. ALABAMA BOARD OF EXAMINERS FOR SPEECH PATHOLOGY AND AUDIOLOGY:

(a) Professional and Occupational			
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Licensing and Regulation Program			5,400
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund — as provided in Act 90, 4th Special Session, 1975	5,400		
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Total Alabama Board of Examiners for Speech Pathology & Audiology		5,400	5,400
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92. SURFACE MINING RECLAMATION COMMISSION:

(a) Industrial Safety and Accident Prevention Program			925,010
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SOURCE OF FUNDS:

(1) Surface Mining Reclamation Commission Fund, as provided for by Act 551, 1975 Regular Session. All fees and charges, grants, gifts, fines, bond forfeitures, or other such monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission	925,010		
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Total Surface Mining Reclamation Commission		925,010	925,010
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93. TANNEHILL HISTORICAL STATE PARK:

(a) Historical Resources Management Program			808,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000		
(2) Federal, Local and Miscellaneous Funds		608,000	

Total Tannehill Historical State Park	200,000	608,000	808,000
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94. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:

(a) Water Resource Development Program			490,000
SOURCE OF FUNDS:			
(1) State General Fund — as provided in Title 33, Chapter 8, Code of Alabama 1975, as amended	135,000		
(2) Federal, Local and Miscellaneous Funds		355,000	
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Total Tennessee - Tombigbee Waterway Development Authority	135,000	355,000	490,000
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95. STATE TREASURER:

(a) Fiscal Management Program			729,500
SOURCE OF FUNDS:			
(a1) State General Fund	729,500		
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Total State Treasurer	729,500		729,500
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96. COMMISSION ON UNIFORM STATE LAWS:

(a) Special Services Program			4,500
SOURCE OF FUNDS:			
(1) State General Fund — total amount appropriated by Act No. 926, Acts 1951, page 1575	4,500		
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Total Commission on Uniform State Laws	4,500		4,500
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97. DEPARTMENT OF VETERANS AFFAIRS:

(a) Administration of Veterans Affairs Program			1,353,000
SOURCE OF FUNDS:			
(1) State General Fund	1,353,000		
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Total Department of Veterans Affairs	1,353,000		1,353,000
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98. ALABAMA STATE BOARD OF
VETERINARY MEDICAL EXAMI-
NERS:

(a) Professional and Occupational Licensing and Regulation Pro- gram	11,500	
SOURCE OF FUNDS:		
(1) Veterinary Medical Exami- ners Fund — as provided in Act No. 945, approved September 13, 1951	11,500	
Total Alabama State Board of Veterinary Medical Examiners	11,500	11,500

99. BOARD OF CERTIFICATION FOR
WATER AND WASTE WATER
SYSTEMS PERSONNEL:

(a) Professional and Occupational Licensing and Regulation Pro- gram	4,800	
SOURCE OF FUNDS:		
(1) Operators Certification Fund as provided in Act No. 1594, 1971 Regular Session	4,800	
Total Board of Certification for Water and Waste Systems Personnel	4,800	4,800

100. ALABAMA WATER WELL
STANDARDS BOARDS:

(a) Professional and Occupational Licensing and Regulation Pro- gram	51,000	
SOURCE OF FUNDS:		
(1) Water Well Standards Board Fund—as provided in Act No. 1516, 1971 Regular Session	51,000	
Total Alabama Water Well Standards Board	51,000	51,000

101. ALABAMA WOMEN'S COMMISSION:

(a) Employment and Social Opportunities Program		10,800
SOURCE OF FUNDS:		
(1) State General Fund	10,800	
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Total Alabama Women's Commission	10,800	10,800
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IV. OTHER APPROPRIATIONS:

A. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE GENERAL FUND:

1. ADVERTISING LANDS FOR TAX SALE:

(a) State Revenue Administration Program, Estimated		34,000
SOURCE OF FUNDS:		
(1) State General Fund	34,000	
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Total Advertising Lands for Tax Sale	34,000	34,000
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2. ARREST OF ABSCONDING FELONS:

(a) Criminal Investigation Program, Estimated		12,000
SOURCE OF FUNDS:		
(1) State General Fund	12,000	
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Total Arrest of Absconding Felons	12,000	12,000
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3. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Service Program, Estimated		1,400
SOURCE OF FUNDS:		
(1) State General Fund as provided in 1943 Acts of Legislature, page 217	1,400	
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Total Automatic Appeal Expense	1,400	1,400
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4. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:

(a) State Revenue Administration Program, Estimated		200
SOURCE OF FUNDS:		
(1) State General Fund	200	
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Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200
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5. CONSUMER UTILITY RATE HEARING:

(a) Executive Direction Program ...		250,000
SOURCE OF FUNDS:		
(1) State General Fund as provided in Act No. 44, First Special Session, 1977	250,000	
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Total Consumer Utility Rate Hearing	250,000	250,000
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6. COUNCIL OF STATE GOVERNMENTS:

(a) Legislative Operations and Support Program		42,100
SOURCE OF FUNDS:		
(1) State General Fund	42,100	
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Total Council of State Governments	42,100	42,100
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7. COURT COSTS — ACT NO. 558, 1957:

(a) Court Operations Program, Estimated		100,000
SOURCE OF FUNDS:		
(1) State General Fund pursuant to Act No. 558, 1957, page 777	100,000	
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Total Court Costs — Act No. 558, 1957	100,000	100,000
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8. COURTS COSTS NOT OTHERWISE PROVIDED FOR:

(a) Legal Advice and Legal Service Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	150,000	
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Total Court Costs Not Otherwise Provided For	500,000	500,000
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9. DISTRIBUTION OF PUBLIC DOCUMENTS:

(a) Administrative Support Service Program, Estimated		30,000
SOURCE OF FUNDS:		
(1) State General Fund	30,000	
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Total Distribution of Public Documents	30,000	30,000
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10. ECONOMIC AND COMMUNITY DEVELOPMENT:

SOURCE OF FUNDS:		
(1) Federal Revenue Sharing	1,000,000	
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Total Economic and Community Development	1,000,000	1,000,000
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11. ELECTION EXPENSES:

(a) Special Services Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
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Total Election Expenses	500,000	500,000
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12. DEPARTMENTAL EMERGENCY FUND:

(a) Special Services Program		450,000
SOURCE OF FUNDS:		
(1) State General Fund (This is the appropriation contemplated in Title 41, Chapter 4, Section 94, Code of Alabama 1975, and shall be the only amount ap-		

appropriated and the total amount expended under the provisions of said section)		450,000	
Total Departmental Emergen- cy Fund		450,000	450,000
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13. FAIR TRIAL TAX TRANSFER:			
(a) Court Operations Program			100,000
SOURCE OF FUNDS:			
(1) State General Fund		100,000	
Total Fair Trial Tax Transfer...		100,000	100,000
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14. FEEDING OF PRISONERS:			
(a) Institutional Services Correc- tions Program, Estimated			3,000,000
SOURCE OF FUNDS:			
(1) State General Fund for ex- penses of feeding prisoners in county jails		3,000,000	
Total Feeding of Prisoners		3,000,000	3,000,000
<hr/>			
15. GENERAL GOVERNMENT:			
SOURCE OF FUNDS:			
(1) Federal Revenue Sharing		11,588,000	
Total General Government		11,588,000	11,588,000
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16. NATIONAL GOVERNORS' CON- FERENCE:			
(a) Executive Direction Program ...			30,075
SOURCE OF FUNDS:			
(1) State General Fund		30,075	
Total National Governors' Con- ference		30,075	30,075
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17. GOVERNOR'S COUNCILLOR:			
(a) Executive Direction Program...			36,000
SOURCE OF FUNDS:			
(1) State General Fund as pro- vided in Act No. 596,			

Regular Session, 1977	36,000	
Total Governor's Councillor	36,000	36,000
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18. GOVERNOR'S PROCLAMATION EXPENSES:		
(a) Executive Direction Program		150,000
SOURCE OF FUNDS:		
(1) State General Fund	1,350	
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Total Governor's Proclamation Expenses	150,000	150,000
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19. GOVERNORS' WIDOWS RETIREMENT:		
(a) Executive Direction Program...		14,400
SOURCE OF FUNDS:		
(1) State General Fund	14,400	
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Total Governors' Widows Retirement	14,400	14,400
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20. STATE EMPLOYEES INSURANCE:		
(a) Administrative Support Service Program, Estimated		2,100,000
SOURCE OF FUNDS:		
(1) State General Fund	2,100,000	
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Total State Employees Insurance	2,100,000	2,100,000
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21. INTERPRETER'S ACCOUNT:		
(a) Court Support Services Program, Estimated		1,000
SOURCE OF FUNDS:		
(1) State General Fund to carry out provisions of Act No. 799, 1965 Regular Session	1,000	
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Total Law Enforcement Fund...	9,000	1,000
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22. LAW ENFORCEMENT FUND:		
(a) Special Police Services Program		9,000

SOURCE OF FUNDS:

(1) State General Fund —		
Transfer	9,000	
Total Law Enforcement Fund ..	9,000	9,000

23. LAW ENFORCEMENT LEGAL DEFENSE:

(a) Legal Advice and Legal Service Program		5,000
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SOURCE OF FUNDS:

(1) State General Fund to carry out provisions of Act No. 259, 1957 Regular Session	5,000	
Total Law Enforcement Legal Defense	5,000	5,000

24. MAILING TAX NOTICES:

(a) State Revenue Administration Program, Estimated		1,000
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SOURCE OF FUNDS:

(1) State General Fund	1,000	
Total Mailing Tax Notices	1,000	1,000

25. MATCHING FEDERAL FUNDS NOT OTHERWISE PROVIDED FOR:

(a) Court Operations Program		90,000
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SOURCE OF FUNDS:

(1) State General Fund	90,000	
Total Matching Federal Funds Not Otherwise Provided For	90,000	90,000

26. ALABAMA SPECIAL MENTAL HEALTH FUND

23,750,000

SOURCE OF FUNDS:

(1) State General Fund Transfer.....	23,750,000	
Total Alabama Special Mental Health Fund	23,750,000	23,750,000

**27. PRINTING OF LEGISLATIVE
ACTS AND JOURNALS:**

(a) Administrative Support Services Program, Estimated		225,000
SOURCE OF FUNDS:		
(1) State General Fund	225,000	
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Total Printing of Legislative Acts and Journals	225,000	225,000
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**28. PRINTING OF STATE AND
COUNTY PRIVILEGE LICENSES:**

(a) State Revenue Administration Program		11,000
SOURCE OF FUNDS:		
(1) State General Fund	11,000	
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Total Printing of State and County Privilege Licenses	11,000	11,000
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29. PUBLIC DEFENDERS:

(a) Court Operations Program		26,000
SOURCE OF FUNDS:		
(1) State General Fund for salaries of Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Session	26,000	
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Total Public Defenders	26,000	26,000
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30. REGISTRATION OF VOTERS:

(a) Special Services Program, Estimated		350,000
SOURCE OF FUNDS:		
(1) State General Fund	350,000	
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Total Registration of Voters	350,000	350,000
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31. REMOVAL OF PRISONERS:

(a) Special Police Services Program, Estimated		100,000
SOURCE OF FUNDS:		
(1) State General Fund	100,000	
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Total Removal of Prisoners	100,000	100,000
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32. STATE'S SHARE OF SOCIAL SECURITY:		
(a) Administrative Support Service Program, Estimated		3,700,000
SOURCE OF FUNDS:		
(1) State General Fund	3,700,000	
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Total State's Share of Social Security	3,700,000	3,700,000
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33. STATE TREASURER—PREVIOUS YEAR'S UNPAID WARRANTS:		
(a) Special Services Program, Estimated		50,000
SOURCE OF FUNDS:		
(1) State General Fund	50,000	
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Previous Years' Unpaid Warrants	50,000	50,000
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V. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:		
A. NON-STATE AGENCIES FUNDED FROM THE GENERAL FUND:		
1. AMOS ALONZO STAGG BOWL:		
(a) Tourism and Travel Promotion Program		4,050
SOURCE OF FUNDS:		
(1) State General Fund	4,050	
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Total Amos Alonzo Stagg Bowl	4,050	4,050
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2. APPALACHIAN REGIONAL COMMISSION:		
(a) Planning Program		177,500
SOURCE OF FUNDS:		
(1) State General Fund	177,500	
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Total Appalachian Regional Commission	177,500	177,500
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3. ARMED FORCES DAY IN ALABAMA:

(a) Historical Resources Management Program		1,215
SOURCE OF FUNDS:		
(1) State General Fund	1,215	
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Total Armed Forces Day in Alabama	1,215	1,215
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4. AZALEA TRAIL FESTIVAL:

(a) Tourism and Travel Promotion Program		2,250
SOURCE OF FUNDS:		
(1) State General Fund	2,250	
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Total Azalea Trail Festival	2,250	250
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5. BIG NANCE CREEK WATER MANAGEMENT DISTRICT:

(a) Water Resource Development Program		2,025
SOURCE OF FUNDS:		
(1) State General Fund	2,025	
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Total Big Nance Creek Water Management District	2,025	2,025
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6. BIRMINGHAM CHAMBER MUSIC SOCIETY:

(a) Fine Arts Program		2,250
SOURCE OF FUNDS:		
(1) State General Fund	2,250	
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Total Birmingham Chamber Music Society	2,250	2,250
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7. BIRMINGHAM FESTIVAL OF ARTS, INC.:

(a) Fine Arts Program		22,500
SOURCE OF FUNDS:		
(1) State General Fund	22,500	
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Total Birmingham Festival of Arts, Inc.	22,500	22,500
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8. BLUE AND GRAY ASSOCIATION,
INC.:

(a) Tourism and Travel Promotion Program		8,100
SOURCE OF FUNDS:		
(1) State General Fund	8,100	
Total Blue and Gray Associa- tion, Inc.	8,100	8,100

9. CAHABA RIVER STUDY COM-
MISSION:

(a) Water Resource Development Program		30,000
SOURCE OF FUNDS:		
(1) State General Fund	30,000	
Total Cahaba River Study Commission	30,000	30,000

10. CHILTON COUNTY PEACH FES-
TIVAL:

(a) Tourism and Travel Promotion Program		6,750
SOURCE OF FUNDS:		
(1) State General Fund	6,750	
Total Chilton County Peach Festival	6,750	6,750

11. CHOCCOLOCCO CREEK WATER-
SHED ASSOCIATION:

(a) Water Resource Development Program		3,240
SOURCE OF FUNDS:		
(1) State General Fund	3,240	
Total Choccolocco Creek Wa- tershed Association	3,240	3,240

12. SOUTHEAST CHOCTAWATCHEE
RIVER WATERSHED ASSOCIA-
TION:

(a) Water Resource Development Program		2,025
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SOURCE OF FUNDS:

(1) State General Fund	2,025	
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Total Southeast Choctawhat- chee River Watershed Associa- tion	2,025	2,025
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13. CIVIL AIR PATROL:

(a) Readiness and Recovery Pro- gram		31,500
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SOURCE OF FUNDS:

(1) State General Fund	31,500	
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Total Civil Air Patrol	31,500	31,500
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**14. COOSA-ALABAMA RIVER
IMPROVEMENT ASSOCIATION:**

(a) Water Resource Development Program		11,250
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SOURCE OF FUNDS:

(1) State General Fund	11,250	
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Total Coosa-Alabama River Im- provement Association	11,250	11,250
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**15. COOSA RIVER ACTION COUN-
CIL, INC.**

(a) Water Resource Development Program		9,000
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SOURCE OF FUNDS:

(1) State General Fund	9,000	
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Total Coosa River Action Coun- cil, Inc.	9,000	9,000
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**16. DYNE CREEK WATERSHED CON-
SERVANCY DISTRICT:**

(a) Water Resource Development Program		2,025
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SOURCE OF FUNDS:

(1) State General Fund	2,025	
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Total Dyne Creek Watershed Conservancy District	2,025	2,025
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17. DEEP-SEA FISHING RODEO:

(a) Tourism and Travel Promotion Program		1,350
SOURCE OF FUNDS:		
(1) State General Fund	1,350	
Total Deep-Sea Fishing Rodeo...	1,350	1,350

18. ELK RIVER DEVELOPMENT AGENCY:

(a) Water Resource Development Program		6,750
SOURCE OF FUNDS:		
(1) State General Fund	6,750	
Total Elk River Development Agency	6,750	6,750

19. FEDERATION OF SOUTHERN COOPERATIVES:

(a) For Miss Black Alabama Pageant Tourism and Travel Promotion		9,000
SOURCE OF FUNDS:		
(1) State General Fund	9,000	
Total Federation of Southern Cooperatives	9,000	9,000

20. ALABAMA FOREST FESTIVAL:

(a) Forest Information and Education Program		4,500
SOURCE OF FUNDS:		
(1) State General Fund	4,500	
Total Alabama Forest Festival...	4,500	4,500

21. GENEVA COUNTY TOMATO FESTIVAL:

(a) Tourism and Travel Promotion Program		4,500
SOURCE OF FUNDS:		
(1) State General Fund	4,500	

Total Geneva County Tomato Festival	4,500	4,500
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22. GEORGE LINDSEY CELEBRITY BENEFIT, INC.:		
(a) Tourism and Travel Promotion Program		9,000
SOURCE OF FUNDS:		
(1) State General Fund	9,000	
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Total George Lindsey Celebrity Benefit, Inc.	9,000	9,000
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23. GULF SHORES TOURIST ASSOCIATION:		
(a) Tourism and Travel Promotion Program		12,150
SOURCE OF FUNDS:		
(1) State General Fund	12,150	
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Total Gulf Shores Tourist Association	12,150	12,150
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24. GUNTERSVILLE BOAT RACES:		
(a) Tourism and Travel Promotion Program		7,695
SOURCE OF FUNDS:		
(1) State General Fund	7,695	
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Total Guntersville Boat Races	7,695	7,695
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25. HANK WILLIAMS MEMORIAL ASSOCIATION:		
(a) Historical Resources Management Program		4,500
SOURCE OF FUNDS:		
(1) State General Fund	4,500	
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Total Hank Williams Memorial Association	4,500	4,500
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26. HELEN KELLER PROPERTY BOARD:		
(a) Historical Resources Management Program		4,500

SOURCE OF FUNDS:		
(1) State General Fund	4,500	
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Total Helen Keller Property Board	4,500	4,500
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27. INTERSTATE MINING COMMISSION:		
(a) Planning Program		7,110
SOURCE OF FUNDS:		
(1) State General Fund	7,110	
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Total Interstate Mining Commission	7,110	7,110
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28. AMERICA'S JUNIOR MISS PAGEANT, INC.		
(a) Tourism and Travel Promotion Program		20,250
SOURCE OF FUNDS:		
(1) State General Fund	20,250	
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Total America's Junior Miss Pageant, Inc.	20,250	20,250
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29. KETCHEPEDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		2,025
SOURCE OF FUNDS:		
(1) State General Fund	2,025	
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Total Ketchepedrakee Creek Watershed Conservancy District	2,025	2,025
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30. LAKE EUFAULA SUMMER SPECTACULAR:		
(a) Tourism and Travel Promotion Program		8,100
SOURCE OF FUNDS:		
(1) State General Fund	8,100	
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Total Lake Eufaula Summer Spectacular	8,100	8,100
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31. MOBILE CARNIVAL ASSOCIATION:		
(a) Tourism and Travel Promotion Program		4,050
SOURCE OF FUNDS:		
(1) State General Fund	4,050	
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Total Mobile Carnival Association	4,050	4,050
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32. MOUNTAIN LAKES ASSOCIATION:		
(a) Tourism and Travel Promotion Program		20,700
SOURCE OF FUNDS:		
(1) State General Fund	20,700	
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Total Mountain Lakes Association	20,700	20,700
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33. PEA RIVER HISTORICAL AND GENEALOGY SOCIETY:		
(a) Historical Resources Management Program		4,500
SOURCE OF FUNDS:		
(1) State General Fund	4,500	
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Total Pea River Historical and Genealogy Society	4,500	4,500
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34. PEA RIVER WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		2,025
SOURCE OF FUNDS:		
(1) State General Fund	2,025	
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Total Pea River Watershed Conservancy District	2,025	2,025
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35. NATIONAL PEANUT FESTIVAL ASSOCIATION, INC.:		
(a) Tourism and Travel Promotion Program		10,800
SOURCE OF FUNDS:		
(1) State General Fund	10,800	
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Total National Peanut Festival Association, Inc.		10,800	10,800
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36. PIKE-COUNTY PIONEER MUSEUM ASSOCIATION:			
(a) Historical Resources Management Program			4,500
SOURCE OF FUNDS:			
(1) State General Fund	4,500		
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Total Pike-County Pioneer Museum Association	4,500		4,500
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37. PIMENTO FESTIVAL:			
(a) Tourism and Travel Promotion Program			900
SOURCE OF FUNDS:			
(1) State General Fund	900		
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Total Pimento Festival	900		900
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38. MONTGOMERY RIVERBOAT COMMISSION, INC.:			
(a) Tourism and Travel Promotion Program			20,250
SOURCE OF FUNDS:			
(1) State General Fund	20,250		
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Total Montgomery Riverboat Commission, Inc.	20,250		20,250
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39. ALABAMA SHAKESPEARE FESTIVAL:			
(a) Fine Arts Program			6,750
SOURCE OF FUNDS:			
(1) State General Fund	6,750		
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Total Alabama Shakespeare Festival	6,750		6,750
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40. SOUTHERN CHAMPIONSHIP CHARITY HORSESHOW:			
(a) Tourism and Travel Promotion Program			4,500

SOURCE OF FUNDS:

(1) State General Fund	4,500	
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Total Southern Championship Charity Horseshow	4,500	4,500
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41. SOUTHERN STATES ENERGY
BOARD:

- (a) Discovery and Development of
Mineral, Energy and Water Re-
sources, Geologic Research and
Topographic Mapping Program

9,950

SOURCE OF FUNDS:

(1) State General Fund	9,950	
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Total Southern States Energy Board	9,950	9,950
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42. SPIRIT OF AMERICA FESTI-
VAL, INC.:

- (a) Tourism and Travel Promotion
Program

4,050

SOURCE OF FUNDS:

(1) State General Fund	4,050	
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Total Spirit of America Festi- val, Inc.	4,050	4,050
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43. ALABAMA STATE STEER SHOW
ASSOCIATION:

- (a) Agricultural Development Ser-
vices Program

8,100

SOURCE OF FUNDS:

(1) State General Fund	8,100	
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Total Alabama State Steer Show Association	8,100	8,100
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44. TALLACOOSA HIGHLAND
LAKES ASSOCIATION:

- (a) Tourism and Travel Promotion
Program

8,100

SOURCE OF FUNDS:

(1) State General Fund	8,100	
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SOURCE OF FUNDS:		
Total Tallacoosa Highland Lakes Association	8,100	8,100
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45. TALLASSEEHATCHIE CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		2,025
SOURCE OF FUNDS:		
(1) State General Fund	2,025	
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Total Tallassee hatchie Creek Watershed Conservancy District	2,025	2,025
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46. TENNESSEE RIVER VALLEY AS- SOCIATION:		
(a) Water Resource Development Program		12,600
SOURCE OF FUNDS:		
(1) State General Fund	12,600	
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Total Tennessee River Valley Association	12,600	12,600
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47. TENNESSEE VALLEY PUBLIC- ITY AND IMPROVEMENT ASSO- CIATION:		
(a) Tourism and Travel Promotion Program		36,000
SOURCE OF FUNDS:		
(1) State General Fund	36,000	
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Total Tennessee Valley Pub- licity And Improvement Asso- ciation	36,000	36,000
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48. TERRAPIN CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		2,025
SOURCE OF FUNDS:		
(1) State General Fund	2,025	
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Total Terrapin Creek Water- shed Conservancy District	2,025	2,025
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49. ALABAMA TRAVEL COUNCIL:		
(a) Tourism and Travel Promotion Program		36,000
SOURCE OF FUNDS:		
(1) State General Fund	36,000	
Total Alabama Travel Council	36,000	36,000
50. TRI-RIVERS WATERWAY DEVELOPMENT ASSOCIATION:		
(a) Water Resource Development Program		24,300
SOURCE OF FUNDS:		
(1) State General Fund	24,300	
Total Tri-Rivers Waterway Development Association	24,300	24,300
51. VESTAVIA HILLS DOGWOOD FESTIVAL AND TRAIL:		
(a) Tourism and Travel Promotion Program		900
SOURCE OF FUNDS:		
(1) State General Fund	900	
Total Vestavia Hills Dogwood Festival and Trail	900	900
52. NATIONAL VETERANS DAY COMMITTEE:		
(a) Historical Resources Management Program		6,300
SOURCE OF FUNDS:		
(1) State General Fund	6,300	
Total National Veterans Day Committee	6,300	6,000
53. VETERANS DAY COMMITTEE IN ALABAMA:		
(a) Historical Resources Management Program		1,800
SOURCE OF FUNDS:		
(1) State General Fund	1,800	
Total Veterans Day Committee in Alabama	1,800	1,800

54. ALABAMA WOMEN'S HALL OF FAME:

(a) Historical Resources Management Program		6,120
SOURCE OF FUNDS:		
(1) State General Fund	6,120	
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Total Alabama Women's Hall of Fame	6,120	6,120
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55. Y.M.C.A. YOUTH LEGISLATURE:

(a) Special Services Program		4,500
SOURCE OF FUNDS:		
(1) State General Fund	4,500	
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Total Y.M.C.A. Youth Legislature	4,500	4,500
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I. DEBT SERVICE:

A. DEBT SERVICE FUNDED FROM THE GENERAL FUND:

1. General Obligation Capital Improvement Bonds, Series A and B, Estimated		1,153,318
SOURCE OF FUNDS:		
(1) State General Fund, Series A and B, Estimated	1,153,318	
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Total General Obligation Capital Improvement Bonds, Series A and B, Estimated	1,153,318	1,153,318
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2. General Obligation Coosa Waterway Bonds, Series A, Estimated		651,198
SOURCE OF FUNDS:		
(1) State General Fund	651,198	
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Total General Obligation Coosa Waterway Bonds, Series A, Estimated	651,198	651,198
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3. General Obligation Docks Facilities Bonds, Series A and B, Estimated ...		2,777,400
SOURCE OF FUNDS:		
(1) State General Fund	2,777,400	
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Total General Obligation Docks Facilities Bonds, Series A and B, Estimated			2,777,400	2,777,400
4. Inland Waterways Facilities Bonds, Series 1970 A, Estimated				615,300
SOURCE OF FUNDS:				
(1) State General Fund	615,300			
Total Inland Waterways Facilities Bonds, Series 1970 A, Estimated			615,300	615,300
5. General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated				639,150
SOURCE OF FUNDS:				
(1) State General Fund	639,150			
Total General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated			639,150	639,150
6. Inland Waterway Improvement Bonds, Series A through D, Estimated				677,698
SOURCE OF FUNDS:				
(1) State General Fund	677,698			
Total Inland Waterway Improvement Bonds, Series A through D, Estimated			677,698	677,698
7. State Parks Development Authority Bonds, Estimated				350,000
SOURCE OF FUNDS:				
(1) State General Fund, Estimated — pursuant to Constitutional Amendment as provided in Act No. 272, 1967 Regular Session	350,000			
Total State Parks Development Authority Bonds, Estimated			350,000	350,000
8. Tennessee-Tombigbee Waterway Bonds, Series A and B, Estimated				862,660

SOURCE OF FUNDS:

(1) State General Fund, Estimated — pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session			862,660	
Total Tennessee-Tombigbee Waterway Bonds, Series A and B, Estimated			862,660	862,660

Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 4 and 5 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Section 80-96, Code of Alabama 1975 and the Budget Management Act of 1976 (Act No. 494).

Section 4. That any surplus remaining in any appropriation herein made from the General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 6. From the amounts received by the State of Alabama during the period October 1, 1979, through September 30, 1980, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 91-512, 92nd Congress and any interest earned by the State thereon there is hereby appropriated the following:

A. To Board of Corrections for operations and maintenance of the penal system	7,000,000
B. For Economic and Community Development	1,000,000
C. Highway Department or other state agencies funded from the general fund	11,588,000
D. To Department of Mental Health to be used for operations and maintenance	16,400,000
Total	35,988,000

The amounts appropriated in this section are to be in lieu of any revenue sharing funds appropriated in Section 2 to the above mentioned departments. The revenue sharing funds in Section 2 should not be construed to be an additional appropriation. In the event that the amount of funds actually received is more than the anticipated grants or entitlements, said funds together with any interest, accruals, or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government. In the event that the amount of funds actually received is less than the anticipated grants or entitlements, then each appropriation shall be reduced on a pro rata basis.

Section 7. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent for any office space on any contract, lease, purchase, or agreement made prior to September 30, 1979 for such items, unless approved or reapproved on or after October 1, 1979 by the Director of Finance.

Section 8. All State departments, commissions, bureaus, and agency directors or chief administrative officers except the Governor and the Director of Finance shall file with the Governor written quarterly reports which outline fund allocations and expenditures of their respective departments, commissions, bureaus, and agencies. These reports shall be made by the 15th day of the month following the completion of each quarter in the fiscal year. The Governor shall then transmit copies of such reports to the Chairmen of the Finance and Taxation Committee and the Ways and Means Committee. Any other agency of government or other group or entity not a part

of State Government that receives state appropriations under this section shall file the reports required of State agencies under this section. The reports required by this section shall be in addition to any reports, written or otherwise, now required of any department in State Government.

Section 9. Of the appropriation herein contained there is appropriated an amount to provide hospital-medical insurance assistance, excluding dental and life assistance.

Section 10. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 11. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 12. That each Department of State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 13. That this Act shall become effective October 1, 1979.

Approved May 25, 1979.

Time: 11:30 A.M.

Act No. 79-125

H. 6—Gafford

AN ACT

To further amend Section 9910 of Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. II, p. 812), as amended, so as to further provide for the effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9910 of Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. II, p. 812), as amended, is hereby further amended as follows:

“Section 9910. This act shall take effect at 12:01 A.M. o'clock January 1, 1980.”

Section 2. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 29, 1979.

Time: 8:35 A.M.

Act No. 79-126 H. 187—Seibels, Boles, Bennett, Howard,
Horn, Olive, Amari, Cheatwood,
Nevett

AN ACT

Relating to Jefferson County; levying an additional 1% lodging tax to be used by the Greater Birmingham Convention and Visitors Bureau to be used for the promotion of Birmingham as a convention and visitors' destination; providing that the Director of Revenue shall collect such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act relates to Jefferson County.

Section 2. (a) The taxes levied by this Act shall become effective, or go into effect, on the first day of the calendar month next following the calendar month in which this Act is adopted.

(b) Commencing on the effective date of the taxes, as specified in subsection (a), above, in addition to all other taxes imposed by law, there is hereby levied and shall be collected by the Director of Revenue as herein provided a privilege or license tax in the amount hereinafter prescribed against every person engaging in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, to any transient in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. The Director of Revenue shall deduct and pay to the treasury of the county one percent (1%) of the total amount of the said taxes, to compensate the county for the expenses incurred by it in collecting said taxes and in administering this act. Following that deduction, the Director of Revenue shall pay the remainder of the taxes to the Greater Birmingham Convention and Visitors Bureau of the county created under the Act adopted during the Regular 1969 Session of the Legislature. The amount of the tax shall be equal to one percent (1%) of the charge for such rooms, lodgings or accommodations, including the charge for use of rental of personal property and services furnished in such room or rooms.

The amount so collected shall be allocated to the Greater Birmingham Convention and Visitors Bureau, established by Act No. 794, 1969 Regular Session (Ala. Acts of 1969, p. 1425),

and this amount shall be used for the promotion of Birmingham as a convention and visitors' destination.

Section 3. There are exempted from the provisions of the tax levied by this Act and from the computation of the amount of the tax levied or payable hereunder the following: Charges for property sold or services furnished which are required to be included in the tax levied by the State Sales Tax Act; boarding houses, tourist homes and similar establishments regularly offering less than five (5) rooms for rental to transients; charges for the rental of rooms, lodgings or accommodations furnished by any hospital, nursing home, convalescent home or by any charitable or eleemosynary institution; charges for the rental of rooms, lodgings or accommodations to a person for a period of thirty (30) continuous days or more. The exemption hereby provided shall apply to any property sold or services furnished which are required to be included in any sales tax now or hereafter levied by the State of Alabama.

The taxes levied by this Act, except as otherwise provided herein, shall be due and payable on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month after the effective date of the taxes every person on whom the tax is levied by this Act shall render to the Director of Revenue on a form prescribed by him, a true and correct statement showing the gross proceeds of the business subject to the said tax for the then preceding month, together with such other information as the Director of Revenue may demand and require; and at the time of making such monthly report the taxpayer shall compute and pay to the Director of Revenue the amount of taxes shown to be due; provided, however, that any person subject to the tax who conducts any business on a credit basis may defer reporting and paying the tax until after said person has received payment for the items, articles or accommodations furnished; and in the event he so defers reporting and paying any such taxes he shall thereafter include in each monthly report all credit collections made during the then preceding month and shall pay the amount of taxes computed thereon at the time of filing such report.

It shall be the duty of every person engaged or continuing in any business subject to the taxes levied by this Act to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this Act. Such records shall be kept and preserved for a period of five (5) years and shall be open for examination at any time by the Director of Revenue or by any duly authorized agent, deputy or employees of the said Director.

Any person who fails to pay the tax levied by this Act within the time required by this Act shall pay in addition to the tax a penalty of ten percent (10%) of the amount of tax due, together with interest thereon at the rate of one-half of one percent ($\frac{1}{2}$ of 1%) per month or fraction thereof the date on which the tax became due and payable, such penalty and interest to be assessed and collected as a part of the tax; provided, however, that the Director of Revenue may, if good and sufficient reason be shown, waive or remit the penalty or any portion thereof.

Section 4. The failure of any person to pay any tax levied by this Act within the time specified for the payment of the same by the Act shall constitute a misdemeanor; and the violation of any of the provisions of this Act by any person shall constitute a misdemeanor. Any person violating any provisions of this Act shall upon conviction be punished by fine of not more than five hundred dollars (\$500) and may also be sentenced to hard labor for the county for not exceeding six (6) months, either or both, unless a different punishment is prescribed herein.

Section 5. None of the provisions of this Act shall be applied in such manner as to violate the commerce clause of the Constitution of Alabama. Should any provision of this Act be held invalid, the invalidity thereof shall not affect the remaining provisions of the Act.

Section 6. All laws and parts of laws, whether general, special or local, in conflict with the provisions of this Act are hereby repealed to the extent of such conflict; provided, however, it is not intended by the provisions of this section to repeal or affect in any way the privilege or license tax levied by any of the following Acts: Act No. 248 of the Regular Session of the Legislature of Alabama of 1955 (Ala. Acts 1955, p. 586), as amended by Act No. 269 of the Regular Session of the Legislature of Alabama of 1963 (Ala. Acts 1963, p. 715), Act No. 525 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts 1965, p. 775), and Act No. 794, 1969 Regular Session (Ala. Acts 1969, p. 1425).

Section 7. There are hereby repealed all existing ordinances of all municipalities within the county imposing, or levying any license tax on the hotel, motel or tourist court business based on the gross receipts of such business or on a percentage of the charges made for rooms, lodgings or accommodations. Such repeal of municipal ordinances shall not impair the power of the governing body of any municipality to reenact any ordinance hereby repealed, or to enact any new or different ordinance imposing, or levying, a license tax on the hotel, motel

or tourist court business based on the gross receipts of such business or on a percentage of the total charges made for rooms, lodgings or accommodations.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming law; but the taxes levied by this Act shall not go into effect, or become effective, until the date specified in Subsection (a) Section 2, of this Act.

Approved May 29, 1979.

Time: 10:30 A.M.

Act No. 79-127 H.J.R. 73—Gafford, Smith (J), Smith (M),
Hall, Riddick, Gregg, Albright

HOUSE JOINT RESOLUTION

COMMEMORATING THE TENTH ANNIVERSARY OF THE APOLLO II MOON LANDING.

WHEREAS, it was at the George C. Marshall Space Flight Center in Huntsville, Alabama, that the Saturn 5 rocket was developed and built, the brainchild of Dr. Wernher von Braun which sent American astronauts to the moon and which was, for the State of Alabama, another page of prominence in world history; and

WHEREAS, it is therefore highly appropriate for our state to commemorate the phenomenal achievements of our space program during this year's Tenth Anniversary of the Apollo II Moon Landing which is acknowledged as one of the greatest achievements of recorded history, a feat of monumental proportions that displayed the very best of America's scientific genius and captured the imagination of thousands upon thousands of the earth's inhabitants; and

WHEREAS, as envisioned by countless farsighted scientists and conceived by the most brilliant minds in America's space program, man did indeed set foot upon the moon and, on July 20, 1969 Neil A. Armstrong spoke his immortal words, "... one small step for man, one giant leap for mankind;" and

WHEREAS, in landing on the moon and returning safely home, the three men who made this historic venture, Commander

Armstrong, Air Force Colonel Edwin E. Aldrin, Jr., and Air Force Lieutenant Colonel Michael Collins, proved for all time the reality of lunar landings for humanity and opened the way for further documentation of a vast sea of knowledge to be explored; and

WHEREAS, in achieving this great plateau of knowledge of space exploration, the Apollo II landing remains a hallmark of incredible dimensions for the entire world; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tenth Anniversary of the Apollo II Moon Landing be celebrated in Alabama as the colossal event it was and that the individuals who made it a reality be honored for their great work.

Approved May 29, 1979.

Time: 10:30 A.M.

Act No. 79-128

H.J.R. 117—Manley, McCorquodale, Ford,
McMillan, Venable, Reed (T)

HOUSE JOINT RESOLUTION

CONGRATULATING WSFA-TV FOR A JOB WELL
DONE.

WHEREAS, Station WSFA, Channel 12 in Montgomery, provides a vital service for the citizens of central and south Alabama by constantly keeping this area abreast of the latest local, state and national news; and

WHEREAS, Station WSFA has been most instrumental as a member of the media in focusing public attention on areas of concern to this State; and

WHEREAS, Clark Edwards, WSFA News Director, and Dennis Lathem, WSFA Reporter, did travel to Washington, D.C. and ably cover on Friday, May 11, 1979, the White House Conference of Alabama business and civic leaders, agriculturists, industrialists, legislators and political leaders; and

WHEREAS, WSFA-TV and their two dedicated journalists provided enlightened coverage on the White House Conference on both the 6:00 PM and 10:00 PM Newsroom programs on the same date as the Conference was held despite certain conditions beyond their control which hampered their efforts:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CON-

CURRING, That Clark Edwards and Dennis Lathem be commended on their efforts for a job well done.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the General Manager of WSFA-TV and to each of the journalists mentioned herein who were responsible for this outstanding reporting.

Approved May 29, 1979.

Time: 10:30 A.M.

Act No. 79-129

H. 97—Carter

AN ACT

To amend Section 5 of Act No. 367, S. 473, 1978 Regular Session (Acts of 1978, p. 310) relating to the compensation of the county superintendent of education and county board of education of Limestone County; so as to make the provisions of the Act retroactive to November 1, 1978.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 367, S. 473, 1978 Regular Session (Acts of 1978, p. 310) is hereby amended to read as follows:

“Section 5. The provisions of this Act shall take effect retroactive to November 1, 1978.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 29, 1979.

Time: 10:30 A.M.

Act No. 79-130

H. 246—Smith (C)

AN ACT

Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Chilton County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. Notices of the requirement of the attendance of jury service in the circuit court of Chilton County may be served

by first class mail, or may be served as provided by Section 12-17-73, Code of Alabama 1975. If, in the discretion of the sheriff, the service is made by first class mail, such service shall be made as follows: It shall be the duty of the sheriff to enclose the summons in an envelope addressed to the person to be served and place all necessary postage and a return address thereon with notice to the postal authorities not to forward outside of the county. In the event said jury summons is returned to the sheriff by the post office department of the United States without delivery, the summons shall be made by the sheriff returned NOT FOUND. All jury summons not returned by said post office department shall be considered for all purposes as sufficient personal and legal service. The provisions of this section in reference to service by mail, however, shall not apply to jury summons returnable before the court instant, but such summons shall be served only as provided by Section 12-17-73, Code of Alabama 1975.

Section 2. Subpoenas requiring the attendance of witnesses in any civil, criminal, equity, or other case or proceeding in the county, or before the grand jury of the county may be served by the sheriff or constable personally or by leaving a copy thereof at the place of residence of the witness, or the sheriff may serve the same by placing a copy thereof in the United States mail, enclosing the subpoena in an envelope properly stamped and addressed to the person or witness to be served. Upon service by the sheriff upon any witness or person by any one of the foregoing methods, the sheriff shall immediately mark the process executed. If the subpoena so mailed is not delivered to the addressee but is returned to the sheriff by the United States post office department, then the sheriff shall immediately make a diligent effort to serve the subpoena either personally or by leaving a copy thereof at the place of residence of the witness.

Section 3. Anything to the contrary notwithstanding in Section 2 above, any judge having jurisdiction of the proceeding or case may, on motion of any party or on the court's own motion, order any particular subpoena or the subpoenas in any case or proceeding to be served personally or by leaving a copy thereof at the place of residence of the said witness or or person or by United States registered or certified mail.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 29, 1979.

Time: 10:45 A.M.

Act No. 79-131

H. 249—Coburn, Goodwin

AN ACT

Relating to Colbert County; providing further for the compensation of election officials.

Be It Enacted by the Legislature of Alabama:

Section 1. Each election official of Colbert County shall receive twenty-five dollars (\$25.00) per day for the performance of his official duties. The county commission of Colbert County shall supplement the compensation already provided by the general law of the state with funds out of the county general fund sufficient to bring said compensation up to the amount provided for by this act, provided, however, in any municipal election in which the official serves, the supplement provided for herein shall be paid by the municipality in which such election is held.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 29, 1979.

Time: 10:45 A.M.

Act No. 79-132

H. 372—Reed

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Tuskegee, in Macon County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Tuskegee in Macon County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, towit:

ADDITION "A" FROM PLAT DATED MARCH 1, 1977

Commencing at the Southwest Corner of Section 23, T-17-N, R-23-E in Macon County, Alabama, said point being an angle point in the existing boundary of the Corporate Limits of the City of Tuskegee, Alabama; thence East, along said Corporate Limits Line, 4890 feet, more or less; thence North, 1925 feet, more or less; thence East, 1710 feet, more or less, to the True Point of Beginning of the Parcel of Land herein described; thence North, 3355 feet, more or less; thence East, 1320 feet, more or less; thence North, 5280 feet, more or less, to the North line of Section 13, T-17-N, R-23-E; thence East, along said North line of Section 13 and the North line of Sections 17 & 18, T-17-N, R-24-E, 8975 feet, more or less to the Centerline of Uphapee Creek; thence Southerly, along the Centerline of said Creek, 3650 feet, more or less to the Centerline of a Branch; thence Southwesterly, along the Centerline of said Branch, 3400 feet, more or less to the Centerline of Macon County Road No. 25; thence Northwesterly, along the Centerline of Macon County Road No. 25, 5,460 feet to its intersection with the Centerline of Alabama Highway No. 81; thence N4 degrees —00'E, along the Centerline of Alabama Highway No. 81, 830 feet to its intersection with the Centerline of Alabama Highway No. 199; thence N56 degrees —00'W, along the Centerline of Alabama Highway No. 199, 500 feet; thence leaving said Centerline, 56 degrees —50'W, 7125 feet; thence South, 1450 feet; thence West, 4560 feet, more or less to the True Point of Beginning.

ADDITION "B"

Commencing at the Southeast Corner of Section 5, T-17-N, R-23-E in Macon County, Alabama; thence West, along the South line of Sections 5 & 6, 7920 feet, more or less; thence North, 7920 feet, more or less; thence East, 1320 feet, more or less; thence North, 2640 feet, more or less; thence East, 1320 feet, more or less; thence North 2640 feet, more or less; thence East, 3130 feet, more or less to the Centerline of Alabama Highway No. 199; thence Southeasterly, along said Centerline, 1780 feet, more or less; thence leaving said Centerline, West, 1700 feet, more or less; thence South, 1350 feet, more or less; thence East, 2580 feet, more or less; thence South, 1765 feet, more or less thence East, 2740 feet, more or less to the center of Bulger Creek; thence Southwesterly, along

the center of said Creek, 330 feet, more or less to the North-easterly R/W line of Alabama Highway No. 199; thence South-easterly, along said R/W line, 25200 feet to the South line of Section 7, T-17-N, R-24-E; thence West, along said South line of Section 7 and the South line of Sec. 12, T-17-N, R-23-E, 200 feet, more or less to the Southwesterly R/W line of Alabama Highway No. 199; thence Northwesterly, along said Southwesterly R/W line, 24,210 feet, more or less to the center of said Bulger Creek; thence Southwesterly, along the center of said Creek, 4620 feet, more or less to the Easterly line of Section 5, T-17-N, R-23-E; thence South, along said Section line, 4090 feet, more or less to the True Point of Beginning.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 29, 1979.

Time: 10:45 A.M.

Act No. 79-133

H.J.R. 115—Gafford

HOUSE JOINT RESOLUTION

REQUIRING ALL STATE AGENCIES AND STATE INSTITUTIONS OF HIGHER LEARNING TO FURNISH A LIST OF ALL EMPLOYEES REQUIRED TO OPERATE A MOTOR VEHICLE IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all state agencies, departments, or bureaus and all state institutions of higher learning shall forthwith furnish to the clerk of the house a list of all employees required to drive a motor vehicle in the performance of their official duties.

Approved May 29, 1979.

Time: 10:45 A.M.

Act No. 79-134

H.J.R. 120—Sunset Committee

HOUSE JOINT RESOLUTION

**PROVIDING FOR THE CONTINUED EXISTENCE OF
THE DEPARTMENT OF CIVIL DEFENSE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Civil Defense; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Civil Defense, the committee voted on February 8, 1979, to recommend the continued existence of the Department of Civil Defense; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Civil Defense, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 10:45 A.M.

Act No. 79-135

H.J.R. 121—Sunset Committee

HOUSE JOINT RESOLUTION

**PROVIDING FOR THE CONTINUED EXISTENCE OF
THE REGIONAL PLANNING BOARDS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Regional Planning Boards; and

WHEREAS, following a review and evaluation relative to the continued existence of the Regional Planning Boards, the committee voted on February 8, 1979, to recommend the continued existence of the Regional Planning Boards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Regional Planning Boards, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 10:45 A.M.

Act No. 79-136

H.J.R. 122—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF
THE STATE SAFETY COORDINATING COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Safety Coordinating Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Safety Coordinating Committee, the committee voted on February 8, 1979, to recommend the continued existence of the State Safety Coordinating Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Safety Coordinating Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 10:45 A.M.

Act No. 79-137

H.J.R. 123—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF
THE ALABAMA CRIMINAL JUSTICE INFORMATION
CENTER COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Criminal Justice Information Center Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Criminal Justice Information Center Commission, the committee voted on February 8, 1979, to recommend the continued existence of the Alabama Criminal Justice Information Center Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Criminal Justice Information Center Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 10:45 A.M.

Act No. 79-138

H.J.R. 125—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Law Enforcement Planning Agency; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Law Enforcement Planning Agency, the committee voted on February 8, 1979, to recommend the continued existence of the Alabama Law Enforcement Planning Agency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Law Enforcement Planning Agency, pursuant to the terms of the "Alabama Sunset Law of 1976," Act 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 10:50 A.M.

Act No. 79-139

H.J.R. 124—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE SUPERVISORY BOARD OF THE ALABAMA LAW ENFORCEMENT PLANNING AGENCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Supervisory Board of the Alabama Law Enforcement Planning Agency; and

WHEREAS, following a review and evaluation relative to the continued existence of the Supervisory Board of the Alabama Law Enforcement Planning Agency, the committee voted on February 8, 1979, to recommend the continued existence of the Supervisory Board of the Alabama Law Enforcement Planning Agency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Supervisory Board of the Alabama Law Enforcement Planning Agency, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1976.

Time: 10:50 A.M.

Act No. 79-140

H.J.R. 126—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Public Safety; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Public Safety, the committee voted on February 8, 1979, to recommend the continued existence of the Department of Public Safety; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Public Safety, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1976.

Time: 10:50 A.M.

Act No. 79-141

H.J.R. 127—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARMORY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Armory Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Armory Commission, the committee voted on February 8, 1979, to recommend the continued existence of the Armory Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Armory Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 10:50 A.M.

Act No. 79-142

H.J.R. 128—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE GUARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings,

received testimony from the public and all interested parties relating to the continued existence of the Alabama State Guard; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama State Guard, the committee voted on February 8, 1979, to recommend the continued existence of the Alabama State Guard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State Guard, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 10:50 A.M.

Act No. 79-143

H.J.R. 129—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE MILITARY DEPARTMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Military Department; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Military Department, the committee voted on February 8, 1979, to recommend the continued existence of the State Military Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Military Department, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 10:50 A.M.

Act No. 79-144

H.J.R. 130—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF
THE PARDONS AND PAROLES BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Pardons and Paroles Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Pardons and Paroles Board, the committee voted on February 8, 1979, to recommend the continued existence of the Pardons and Paroles Board, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Pardons and Paroles Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 10:50 A.M.

Act No. 79-145

H.J.R. 131—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF
THE DEPARTMENT OF TOXICOLOGY AND CRIMINAL
INVESTIGATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Toxicology and Criminal Investigation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Toxicology and Criminal Investigation, the committee voted on February 8, 1979, to recommend the continued existence of the Department of Toxicology and Criminal Investigation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Toxicology and Criminal Investigation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 10:50 A.M.

Act No. 79-146

H.J.R. 132—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF VETERANS' AFFAIRS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Veterans' Affairs; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Veterans Affairs, the committee voted on February 8, 1976, to recommend the continued existence of the Board of Veterans' Affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Veterans' Affairs, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 10:50 A.M.

Act No. 79-147

H.J.R. 133—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF VETERANS AFFAIRS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee pro-

vided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Veterans' Affairs; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Veterans' Affairs, the committee voted on February 8, 1979, to recommend the continued existence of the Department of Veterans' Affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Veterans' Affairs, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 10:50 A.M.

Act No. 79-148

H.J.R. 134—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY BOARD OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Board of the Department of Conservation and Natural Resources; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Board of the Department of Conservation and Natural Resources, the committee voted on February 8, 1979, to recommend the continued existence of the Advisory Board of the Department of Conservation and Natural Resources; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Board of the Department of Conservation and Natural Resources, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 10:50 A.M.

Act No. 79-149

H.J.R. 135—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department of Conservation and Natural Resources; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department of Conservation and Natural Resources, the committee voted on February 8, 1979, to recommend the continued existence of the Department of Conservation and Natural Resources; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Conservation and Natural Resources, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 11:00 A.M.

Act No. 79-150

H.J.R. 136—Sunset Committee

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE DOCKS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama State Docks; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama State Docks, the

committee voted on February 8, 1979, to recommend the continued existence of the Alabama State Docks; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State Docks, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 11:00 A.M.

Act No. 79-151

H.J.R. 137—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA SURFACE MINING RECLAMATION COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Surface Mining Reclamation Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Surface Mining Reclamation Commission, the committee voted on February 8, 1979, to recommend the continued existence of the Alabama Surface Mining Reclamation Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Surface Mining Reclamation Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

Approved May 29, 1979.

Time: 11:00 A.M.

Act No. 79-152

H.J.R. 138—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE MILITARY ADVISORY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Military Advisory Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Military Advisory Board, the committee voted on February 8, 1979, to recommend termination of the Military Advisory Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Military Advisory Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1979 Regular Session, is hereby terminated.

Approved May 29, 1979.

Time: 11:00 A.M.

Act No. 79-153

H.J.R. 139—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE CIVIL DEFENSE ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Civil Defense Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Civil Defense Advisory Council, the committee voted on February 8, 1979, to recommend termination of the Civil Defense Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Civil Defense Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

Approved May 29, 1976.

Time: 11:00 A.M.

Act No. 79-154

H.J.R. 140—Sunset Committee

PROVIDING FOR THE TERMINATION OF THE BOARD OF CORRECTIONS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Corrections; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Corrections, the committee voted on April 16, 1979, to recommend termination of the Board of Corrections; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Corrections, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

Approved May 29, 1979.

Time: 11:00 A.M.

Act No. 79-155

H.J.R. 114—Waggoner, Turnham

HOUSE JOINT RESOLUTION

HONORING COACH JOEL EAVES, FORMER AUBURN UNIVERSITY HEAD BASKETBALL COACH AND THREE-TIME S.E.C. COACH OF THE YEAR.

WHEREAS, Coach Joel Eaves was an outstanding football, baseball, track and basketball player both at Tech High School in Atlanta, Georgia, and at Auburn University; and

WHEREAS, he was a basketball coach for a total of 23 years in high school, service, and in college competition at Sewanee and Auburn, compiling a string of 19 straight winning seasons and posting a composite win-loss career record of 304-115; and

WHEREAS, as head basketball coach for 14 years at his Alma Mater, he built Auburn University into a national basketball powerhouse, compiling an impressive 214-99 record without a losing season; during his last five seasons with the War Eagles, he directed his teams to an outstanding 90-22 record, including a 30-game winning streak in 1958-59, and, for his

accomplishments at Auburn, Coach Eaves was named SEC Coach-of-the-Year three times; and

WHEREAS, though planning to retire on July 1, 1979, Joel Eaves has, for the past fifteen years, served as Athletic Director at the University of Georgia where he has continued his policy of incorporating an outstanding blend of athletic excellence as well as scholastic achievement among his athletes with quality education first in his priorities followed by producing winning teams and excellent athletic facilities; and

WHEREAS, during his tenure at Georgia, Joel Eaves' administration has produced eighteen Southeastern Conference Championships; he also has twice been a member of the U. S. Olympic Basketball Committee and is a member of both the Georgia and Alabama State Halls of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Joel Eaves on his outstanding career as player, coach and athletic director and voice our deep appreciation for his extraordinary accomplishments during his tenure at Auburn University.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach Eaves and his wife, Wealthy Lindsay Eaves, with a copy also provided for their daughter, Joanne Eaves Morton, as a token of our appreciation, affection and praise.

Approved May 29, 1979.

Time: 10:30 A.M.

Act No. 79-156

H. 297—Adams (H)

AN ACT

To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Cherokee County, Alabama; to authorize the governing body of said county to expend public funds under its control thereof; to provide for taxing and collecting of additional court costs in certain courts in said county for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto.

Be It Enacted by the Legislature of Alabama:

“Section 1. The governing body of Cherokee County, Alabama, is hereby authorized to establish and maintain a public law library in said county, and, to accomplish said purpose, may,

from time to time expend such public funds of said county as are not required by law to be expended for any other purpose or purposes; to provide suitable accommodations and facilities therefor, to keep the same in a good state of maintenance and repair; and from time to time, to provide such supplies, books, reports, and periodicals for said library, as may be needed therefor, out of the proceeds of the special fund created by this act, or otherwise."

"Section 2. In order to provide a special fund for the creation and maintenance of said library there shall be taxed as costs the sum of \$1.50 in each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceedings on a forfeited bail bond or proceedings on a forfeited bond given in connection with an appeal from a judgment or conviction in any inferior or municipal court of such county in the Circuit Court of Cherokee County, Alabama, or the District Court of Cherokee County, Alabama, hereinafter filed in or arising in the Circuit Court of Cherokee County, Alabama, or the District Court of Cherokee County, Alabama, or brought by appeal, certiorari or otherwise to the Circuit Court of Cherokee County, Alabama, or the District Court of Cherokee County, Alabama, which costs shall be collected as other costs in such cases are collected by the clerk, or ex-officio clerk, of said courts or the register of the Circuit Court of Cherokee County thereof, as the case may be, and shall be paid to the governing body of Cherokee County, Alabama"

"Section 3. The tax herein provided, to be paid to the governing body of Cherokee County, Alabama, shall be kept by the appropriate county official in a separate fund designated as "Law Library Fund," and shall be expended by the judge of the District Court of Cherokee County, Alabama for maintaining said law library. Said judge shall draw warrants on the "Law Library Fund," herein established, indicating on the warrants the funds against which the warrants are drawn."

"Section 4. All laws in conflict with this Act are hereby repealed."

"Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Approved May 29, 1979.

Time: 10:45 A.M.

Act No. 79-157

S. 222—Holmes

AN ACT

To amend and reenact Act No. 608, H. 700, 1951 Regular Session (Acts 1951, p. 1045), which act establishes a policemen's and firemen's retirement fund for the city of Anniston, so as to provide further for the administration and operation of the retirement fund and for the payment of benefits to members of the police and fire departments and their dependents and survivors.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 608, H. 700, 1951 Regular Session (Acts 1951, p. 1054), is hereby amended and reenacted to read as follows:

"An Act Relating to the city of Anniston; to establish a policemen's and firemen's retirement fund and to provide for the resources, management, and administration of the fund, including the payment into the fund by electric, gas, telephone, telegraph, and bus transportation public utilities of a license tax equal to one-half of one percent of the gross revenue of such utilities derived from services rendered within the corporate limits and police jurisdiction of the city; to provide for the transfer to said fund of all monies, property, and assets of any similar fund; to create a board of trustees of the policemen's and firemen's retirement fund and to provide for its organization, powers, duties, and functions; to provide for the retirement of and payment of benefits to members of the police and fire departments and their dependents and survivors; to provide for the payment of disability benefits to disabled members of the police and fire departments; to provide for appeals from final decisions of the board of trustees; and to repeal all laws or parts of laws in conflict with the provisions of this act.

"Be It Enacted by the Legislature of Alabama:

"Section 1. This act shall apply only in the city of Anniston.

"Section 2. There is hereby created in connection with the regularly organized and paid police and fire departments of the city of Anniston a 'board of trustees of the policemen's and firemen's retirement fund.' There is also hereby created a 'policemen's and firemen's retirement fund,' for the benefit of the persons hereinafter named, to be funded and maintained in the manner hereinafter provided.

"Section 3. The board shall be composed of three members. One member shall be elected by the governing body of the city and shall not be a member of either the fire department or the police department, one member shall be a member

of the fire department elected by the members of the fire department, and one member shall be a member of the police department elected by the members of the police department. Of the first three members of the board, the member elected by the governing body of the city shall serve for a term of one year, the member elected by the members of the fire department shall serve for a term of two years, and the member elected by the members of the police department shall serve for a term of three years. Their successors shall be elected for terms of three years by the respective electing authorities. Any vacancy on the board shall be filled for the unexpired term by the authority that elected the member who vacated the position on the board. The members of the board shall elect one of their number chairman. The members of the board shall serve without compensation.

"Section 4. The city clerk shall serve as secretary-treasurer to the board and shall receive as compensation for his services an amount to be fixed from time to time by the board which is to be paid on the first day of each month by a warrant drawn upon the fund as other warrants on the fund are drawn. The secretary-treasurer shall be the custodian of all monies belonging to the fund. All monies due to the fund shall be paid promptly to him. He shall also be custodian of all securities and other things of value belonging to the fund. He shall, before taking office as secretary-treasurer, make bond in an amount to be fixed from time to time by the board and approved by the chairman of the board with a surety company authorized to do business in Alabama for the faithful performance of his official duties and for the faithful accounting for all monies, securities, and other things of value which may come into his hands as custodian of the funds. The premiums on his bond shall be paid out of the fund. He shall keep the monies of the fund in a separate account or accounts which shall show at all times the true condition of the fund. Upon his resignation or removal from office, the secretary-treasurer shall surrender and deliver to his successor all bonds, securities, unexpended monies, properties, and assets which are in his hands as custodian of the fund. The secretary-treasurer shall keep a full and complete record of all proceedings of the board and perform such other duties as may be imposed upon him by the board. He shall keep a record of the terms of office of each member of the board and shall notify the electing body or bodies not less than 30 days nor more than 60 days prior to the date that an election of a member or members should be held.

"Section 5. The board shall be the trustee of the fund and have exclusive management and control thereof. It shall have the power to adopt and enforce necessary rules and regu-

lations to carry out the purposes of this act and to enable it properly to manage and administer the fund. The board shall hear and decide all applications for pensions and benefits under this act and its decisions shall be final except as hereinafter provided. The board shall meet upon the call of the chairman, but in no event, less than once in each calendar quarter. The chairman shall call a meeting of the board within ten days after the receipt of a claim or complaint hereunder.

"Section 6. The board, at any time after considering the probable demands upon the fund in the near future, may determine what portion thereof may be withdrawn safely for investment for revenue purposes; and, having determined what portion thereof shall be withdrawn for that purpose, the board then shall determine in what manner such investment shall be made, and all proceedings of the board relating thereto shall be entered at length upon its records. Such investment shall be only by purchase of the interest bearing bonds of the United States of America, or the state of Alabama, or any bonds lawfully issued by the city of Anniston, or any bond, stock, security, investment, or deposit which is guaranteed by the United States government or any of its instrumentalities; however, not over 25 percent of the fund may be invested in the bonds of the city. All income from such investments shall be and become a part of the fund. All such securities shall be deposited with the secretary-treasurer of the board and shall be subject to the management and control of the board.

"Section 7. The board shall make a quarterly report to the governing body of the city of the condition of the fund and shall cause an annual report to be published by the 31st day of January of each year in a newspaper of general circulation published in the city.

"Section 8. There shall be kept by the secretary-treasurer of the board a book to be known as the list of retired policemen and firemen. Such book shall give a full and complete history and record of the action of the board in retiring any and all persons under this act, showing the names, date of entering the service of such fire or police department, date of retirement, and the reason for such retirement.

"Section 9. It shall be the duty of the city attorney of the city to give advice to the board in all matters pertaining to the duties of the board and the management of the fund whenever he is requested to do so; and he shall represent and defend the board as its attorney in all civil actions that may be brought against it and in all civil actions in its behalf that may be required or determined by the board.

"Section 10. The board shall be authorized to pay out of

the fund all reasonable and necessary expenses, including, but not limited to, the cost of advertising local bills amendatory of or supplementary to this act and the costs of actuarial services hereunder, that may be incurred by it in the performance of its duties under this act and in the management and administration of the fund; however, in no event shall the members of the board receive any salary or compensation for their services out of the fund.

"Section 11. The secretary-treasurer shall receive contributions to the fund which shall consist of the following: (a) all of the money, securities, things of value, and assets belonging to any similar fund now being maintained by the city; (b) all money or properties that may be given or donated by any person, firm, association, or corporation for the uses and purposes for which the fund is created, and the board may take, by gift, grant, devise, or bequest, any money, personal property or real estate, or any interest therein or any right of property for the benefit of the fund; (c) ten percent of the monthly salaries, including overtime and any other pay, of each member of the police and fire departments, which shall be deducted from such salaries and paid to the secretary-treasurer of the board on or before the tenth day of each month next succeeding the month in which earned; (d) an amount equal to the amount paid into the fund under subsection (c) of this section shall be paid into the fund monthly out of the city treasury, said payment to be made at the same time that the payment provided by said subsection (c) is required to be paid; (e) each public utility, qualified to do business under the laws of Alabama and selling electricity or electric current or natural gas or intra-city bus transportation or local exchange telephone service or telegraph service in Anniston, shall annually, on or before the first day of February of each year, pay into the fund a sum equal to one-half of one percent of the gross revenues of such utility from the sale of electricity or electric current or natural gas or intra-city bus transportation or local exchange telephone service or telegraph service within the corporate limits and police jurisdiction of the city during the preceding year; however, the sum equal to one-half of one percent of the gross revenues of such public utilities selling electricity or electric current or natural gas or intra-city bus transportation or local exchange telephone service or telegraph service in such city and its police jurisdiction, from the sale of electricity or electric current or natural gas or intra-city bus transportation or local exchange telephone service or telegraph service therein, required by this subsection to be paid by such public utilities into the policemen's and firemen's retirement fund, and shall be deducted from and offset against any privilege or license tax which the municipal

corporation may by law impose upon such public utility engaged in the business of selling electricity or electric current or natural gas or intra-city bus transportation or local exchange telephone service or telegraph service within such city. Accompanying such payment by each public utility there shall be filed with the secretary-treasurer a sworn statement by an officer or authorized agent of such utility showing the amount of the gross revenue received by such utility from the sale of electricity or electric current, natural gas, local exchange telephone service, telegraph service, or intra-city bus transportation in such territory during the preceding year. Any such utility which fails or refuses to comply with the provisions of this section shall forfeit to the fund the sum of \$1,000.00 to be recovered in a civil action instituted in the name of the fund by the city attorney.

"Section 12. Any member of the police or fire department on the effective date of this act who has been in continuous service as such member for a period of 20 years shall be entitled to retire and receive a monthly benefit from the fund equal to 1.4 percent of the average of his monthly income for the last five years preceding his retirement multiplied by the number of his years of continuous service; provided, however, that he shall not receive credit for continuous service in excess of 30 years.

"Any member of the police or fire department who was not such member on the effective date of this act and who has been in continuous service as such member for a period of 25 years shall be entitled to retire and receive a monthly benefit from the fund equal to 1.4 percent of the average of his monthly income for the last five years preceding his retirement multiplied by the number of his years of continuous service; provided, however, that he shall not receive credit for continuous service in excess of 30 years.

"The board shall retire from service any member of the police or fire department who has attained the age of 60 years, and such member shall be entitled to receive a monthly benefit from the fund equal to 1.4 percent of the average of his monthly income for the last five years preceding his retirement multiplied by 30.

"Section 13. If any member of the police or fire department becomes physically or mentally permanently disabled for service as a result of injuries received in line of duty, regardless of the length of the period of his service, so as to render his retirement from such service necessary, he shall be entitled to receive a disability benefit of 1.4 percent times the average of his monthly income for the last five years pre-

ceding his retirement multiplied by 30, and if his total service is less than five years, he shall be entitled to receive a disability benefit of 1.4 percent times the average of his monthly income for all years of his service times 30.

"If any member of the police or fire department becomes physically or mentally permanently disabled for service from any cause, except injuries received in line of duty, and has completed one year of continuous service, so as to render his retirement from such service necessary, and after such disability has continued for a period of three months, he shall be entitled to receive a disability benefit of 1.4 percent times the average of his monthly income for the last five years preceding his retirement multiplied by 20, and if his total service is less than five years, he shall be entitled to receive a disability benefit of 1.4 percent times the average of his monthly income for all years of his service times 20.

"The determination of a member being physically or mentally permanently disabled for service so as to render his retirement from such service necessary shall be made by the board based upon information supplied to it by a duly licensed physician. After any member of the police or fire department shall have retired upon pension by reason of disability, the board shall have the right at any time to cause such retired member to be brought before it and examined by the city physician or other competent physician or surgeon selected by it, and also to examine other witnesses for the purpose of ascertaining whether such disability continues and whether such retired member shall be continued on the pension roll. Such retired member shall be entitled to notice and to be present at the hearing of such evidence. He shall also be permitted to propound any questions pertinent or relevant to such matter. He shall also have the right to introduce in his own behalf any competent evidence under oath. Any member of the board is authorized and empowered to administer oaths to witnesses. Should the board determine that such member is no longer disabled for service, it shall order that benefits to him from the fund shall cease and that he return to service.

"Section 14. If any active member of the police or fire department dies from any cause and leaves a surviving spouse, the board shall direct the payment to the surviving spouse of a monthly pension equal to 50 percent of the amount such deceased member would have been entitled to receive if he had been permanently disabled for service as a result of injuries received in line of duty, so long as the spouse does not remarry. If such deceased member leaves no spouse surviving or if the surviving spouse remarries, and if he leaves a surviving child or children under the age of 18 years, the board shall direct

the payment to the legal guardian of such child or children who are then under the age of 18 years of a monthly pension equal to 25 percent of the amount such deceased member would have been entitled to receive if he had been permanently disabled for service as a result of injuries received in line of duty for the use and benefit of such child or children until the youngest child reaches the age of 18 years. As each child reaches the age of 18 years, he ceases to participate in said 25 percent, thereby increasing the share or shares of the child or children under the age of 18 years.

"If a retired member of the police or fire department dies from any cause and leaves surviving a spouse, the board shall direct the payment to the spouse of a monthly pension equal to 50 percent of the amount of the pension being paid to such retired member at the time of his death, so long as the spouse does not remarry. If such deceased retired member leaves no spouse surviving or if the spouse remarries, and if he leaves surviving a child or children under the age of 18 years, the board shall direct the payment to the legal guardian of such child or children who are then under the age of 18 years of a monthly pension equal to 25 percent of the amount such deceased retired member was receiving prior to his death for the use and benefit of such child or children.

"In no event will a child or children receive any benefit from the fund under section 14 of this act after he or they attain the age of 18 years.

"Section 15. If a retired or disabled member of the police or fire department is receiving payments from any similar fund being maintained by the city on the effective date of this act, he shall receive an increase in payments of \$60 a month. If the surviving spouse of a former member of the police or fire department is receiving payments from any similar fund being maintained by the city on the effective date of this act, he shall receive an increase in payments of \$30 a month. If a child or children of a former member of the police or fire department is receiving payments from any similar fund being maintained by the city on the effective date of this act, his or their legal guardian for their use and benefit shall receive an increase in payments of \$15 a month. In no event will a surviving spouse receive any payment from the fund after he remarries, and in no event will a child or children receive any payment from the fund after he or they attain the age of 18 years.

"Section 16. In addition to all other benefits provided by this act, if any active or retired member of the police or fire department shall die from any cause whatsoever leaving

a spouse, the board shall direct the payment from the fund to the spouse of the sum of \$500. Should such deceased member leave no spouse, but a child or children under the age of 18 years, the board shall direct the payment from the fund to the legal guardian of such child or children under the age of 18 years the sum of \$500 for the use and benefit of such child or children.

"Section 17. When the spouse or children of an active or retired member of the police or fire department shall be entitled to benefits under this act, such spouse or children shall make or cause to be made an application to the board through the secretary-treasurer which shall show proof of the marriage of such member to the claimant by marriage certificate or other competent evidence or the ages of such children shall be shown by birth certificate or other competent evidence, as the case may be. All such applications and proofs shall be kept and retained in the custody of the board.

"Section 18. If the employment of any member of the police or fire department is terminated for any reason prior to his qualifying for any of the benefits set for herein, he shall be entitled to receive the return of all contributions, without interest, made by him to the fund. If he subsequently returns to the employment of the police or fire department, he shall be treated as a new employee and accrual of benefits shall begin as of the date of his reemployment.

"Section 19. Within 30 days after any final decision of the board, any party, including the governing body of the city, aggrieved at the decision of the board may appeal from such decision to the circuit court of Calhoun County. Such appeal shall be de novo and shall be heard by a judge sitting without a jury. Upon the taking of such appeal, the appellant shall serve notice thereof upon said secretary-treasurer. Such appeal shall be heard by the court at the earliest possible date. No bond shall be required for such an appeal. Such an appeal shall be perfected by the appellant filing a notice thereof with the clerk of said court. An appeal may be taken from any decision of said court to the court of civil appeals in the manner provided by law and/or rule for taking appeals in other cases.

"Section 20. The board shall retain the services of a competent actuary and/or actuarial firm on a continuous basis at a fee to be determined by the board. The actuary and/or actuarial firm shall be required to submit its reports in writing to the board. These reports shall become a permanent record of the board.

"Section 21. The board shall have an audit made annually of the fund by a certified public accountant.

"Section 22. If at any time there shall not be sufficient money in the fund to pay each person entitled to the benefits therefrom the full amount per month as herein provided, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the fund shall be sufficient to warrant payment in full to each of the beneficiaries.

"Section 23. All monies ordered to be paid from the fund shall be paid by the secretary-treasurer only upon warrants signed by two members of the board and countersigned by the secretary-treasurer. No warrant shall be drawn on the fund except by order of the board, which order shall be duly and regularly entered in the record of the proceedings of the board.

"Section 24. No portion of the fund shall, before or after its order for distribution by the board to the person or persons entitled thereto under the provisions of this act, be held, seized, taken, subjected to, detained, or levied upon by virtue of any attachment, garnishment, execution, injunction, writ, order, decree, or any other process whatsoever issued out of or by any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment, or decree against any beneficiary of the fund, but shall be exempt therefrom so that the fund shall be kept, held, and distributed solely for the purposes of this act.

"Section 25. All funds, monies, property, and assets belonging to or being a part of any similar fund by the city existing on the effective date of this act shall be transferred, assigned, and conveyed into the policemen's and firemen's retirement fund created by this act immediately upon the effective date of this act.

"Section 26. Words used in this act in the masculine gender include the feminine and neuter. A member of the police department of the city of Anniston is a sworn police officer. A member of the fire department of the city of Anniston is a firefighter.

"Section 27. The provisions of this act are severable. Should any part of it be declared unconstitutional or invalid, such declaration shall not affect that which remains, or should any part be declared unconstitutional or invalid in its applicability to, or operation upon, any territory, group, person, or situation, such declaration shall not affect its applicability or operation otherwise.

"Section 28. All laws or parts of laws which conflict with this act are hereby repealed.

"Section 29. This act shall become effective on the first day of the month next succeeding its passage and approval by

the governor or upon its otherwise becoming a law."

Section 2. This act shall become effective on the first day of the month next succeeding its passage and approval by the governor or upon its otherwise becoming a law.

Approved May 29, 1979.

Time: 5:30 P.M.

Act No. 79-158

H. 368—Hines

AN ACT

Relating to Escambia County; to legalize the sale of draft or keg beer or malt beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama alcoholic beverage control board may in its discretion grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages anywhere within Escambia County, the provisions of Section 28-3-161, Code of Alabama 1975, to the contrary notwithstanding, and the board may revoke any such permit so granted if, in the judgment of the board, the sale of draft or keg beer or malt beverages in the community is prejudicial to the welfare, health, peace and safety of the people of the community or of the state.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved May 31, 1979.

Time: 9:45 A.M.

Act No. 79-159

H.J.R. 149—Dial, Shoemaker,
Johnson (R.G.)

HOUSE JOINT RESOLUTION

INVITING THE BLIND INSTITUTE BAND FROM THE ALABAMA INSTITUTE FOR THE DEAF AND BLIND TO PERFORM FOR THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend a most cordial invitation to the Blind Institute Band, from the Alabama Institute for Deaf and Blind, to perform at the Capitol on Thursday, May 24, 1979, at 11:00 on Capitol steps for the pleasure of the members of both the House and the Senate of Alabama.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to inform the Alabama Institute for Deaf and Blind, by copy of this resolution, of our request and that we hopefully anticipate an acceptance.

Approved May 31, 1979.

Time: 1:50 P.M.

Act No. 79-160

S.J.R. 71—Mitchem

SENATE JOINT RESOLUTION

HONORING THE ALABAMA JAYCEETTES ON THE TWENTY-FIFTH ANNIVERSARY OF ITS FOUNDING.

WHEREAS, the Alabama Jaycee Auxiliary was organized, with eleven clubs, on July 10, 1954, in Sylacauga, Alabama, for the purpose of working side by side with the Jaycees of Alabama to develop the leadership ability of Alabama's young women; and

WHEREAS, since the auxiliary's inception, the membership of the Alabama Jayceettes has given unselfishly of time, work and money to such organizations as the National Foundation of the March of Dimes, the cause of Mental Health and Mental Retardation, the Cancer Society, Camp Partlow, Alabama Sheriff's Boys Ranch, Muscular Dystrophy and numerous other worthwhile charities and causes; and

WHEREAS, the current members of the Alabama Jayceettes and the thousands of women who have belonged to the Jayceettes for the past twenty-five years are deserving indeed of high commendation for meritorious contributions and service to the State of Alabama, as are the twenty-five ladies who have served as State President of the Alabama Jayceettes:

Mrs. Curtis Liles, Mrs. Frances Eastes, Mrs. Jean Jones, Mrs. Robert Lakebrink, Mrs. Kelda Ward, Mrs. Geneva Wright, Mrs. Betty Mayhall, Mrs. Carl Mardis, Mrs. Hoyt Durham, Mrs. La Rue Sanderson, Mrs. Richard Muncher, Mrs. Ruby Patterson, Mrs. Marretta McMurry May, Mrs. Pat Etchison, Mrs. Shirley White, Mrs. Jane Cardwell, Mrs. Mary Reynolds, Mrs.

Jill Mitchem, Mrs. Linda Byrne Vincent, Mrs. Elaina Burch, Mrs. Barbara Porter, Mrs. Jackie Broach, Mrs. Brooka Stokes, Mrs. Judy Gibbs and Mrs. Mary Moore; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and most highly commend the Alabama Jayceettes on the 25th Anniversary of its founding and voice this body's deep appreciation for the many outstanding contributions this organization has made to the State of Alabama and all its citizens.

BE IT FURTHER RESOLVED, That, in token of appreciation and in praise, a copy of this resolution be provided for the Alabama Jayceettes with copies also for all those who have served as State President of this Organization, since its founding in 1954.

Approved May 31, 1979.

Time: 1:50 P.M.

Act No. 79-161

S. 213—Gulledge

AN ACT

Relating to Washington County; to provide that the county commission of Washington County shall meet on the second and fourth Monday each month and at such other times as deemed necessary by said county governing body provided advance public notice be given by publication in a newspaper of general circulation in Washington County; and to repeal Act No. 224, H. B. 764 of the 1884-85 Session.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this act, the county commission of Washington County or other like governing body of Washington County shall meet on the second and fourth Monday each month and at such other times as deemed necessary by said county governing body provided advance public notice is given by publication in a newspaper of general circulation in Washington County.

Section 2. Act No. 224, H. B. 764 of the 1884-1885 Session (Acts 1884-1885, p. 347) is hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 31, 1979.

Time: 1:50 P.M.

AN ACT

To amend § 8-16-5 of the Code of Alabama 1975, relating to the custody of and certification of State standards by the National Bureau of Standards under which weighing and measuring devices are tested and calibrated for accuracy and records to be kept thereof; to provide a procedure under which standards for weighing and measuring devices shall be tested and calibrated for accuracy as prescribed by the National Bureau of Standards.

Be It Enacted by the Legislature of Alabama:

Section 1. § 8-16-5 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 8-16-5. (a) The state standards of weights and measures shall be kept by the commissioner of agriculture and industries in a safe and suitable place in his office, from which they shall not be removed except for repairs.

“(b) With respect to the state standards of weights and measures, the commissioner of agriculture and industries shall have the following duties:

“(1) He shall maintain such standards in good order.

“(2) He shall replace such standards as are incorrect and purchase such additional standards as shall be necessary to complete and make up a complete standard of weights and measures.

“(3) He shall purchase such apparatus as shall be found necessary to a proper prosecution of the work of the office, to be known as working standards.

“(4) He shall compare such working standards with the state standards at such times as he shall deem necessary to prove the accuracy of the working standards; and

“(5) He shall keep a record of all standards and other apparatus belonging to the state for the purposes of this chapter.

“(6) Weights and measures that are traceable to the U. S. prototype standards supplied by the federal government, or approved as being satisfactory by the National Bureau of Standards, shall be the state primary standards of weights and measures, and shall be maintained in such calibration as prescribed by the National Bureau of Standards. All secondary standards may be prescribed by the commissioner and shall be verified upon their initial receipt, and as often thereafter as deemed necessary by the commissioner.

“(7) The commissioner shall maintain traceability of the state standards to the national bureau of standards.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 31, 1979.

Time: 1:50 P.M.

Act No. 79-163

H.J.R. 153—Manley, McMillan

HOUSE JOINT RESOLUTION

RECOMMENDING THAT THE STATE DEPARTMENT OF REVENUE ADOPT CERTAIN REGULATIONS PERTAINING TO CURRENT USE VALUATION OF AGRICULTURAL AND FOREST PROPERTY IN THE STATE.

WHEREAS, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, Section 2 of Act No. 46 enacted at the 1978 Second Special Session of the Legislature, and Section 4 of Act No. 135 enacted at the 1978 Second Special Session of the Legislature, all agricultural and forest property in the State (in addition to certain other property in the State) shall, at the request of the owner thereof, be appraised, for purposes of ad valorem property taxation, according to its current use value and not at its fair and reasonable market value; and

WHEREAS, pursuant to Section 4 of Act No. 135, the State Department of Revenue is required, among other things, to prescribe all needful rules and regulations for the enforcement and implementation throughout the State of "current use valuation" of all agricultural and forest property, with respect to the methods of appraisal to be employed by the several county tax assessors and the forms to be used by taxpayers and county tax assessors in connection with the appraisal and assessment of agricultural and forest property; and

WHEREAS, it is the sense of the Legislature that the method of appraisal of agricultural and forest property described in Exhibit 1 attached hereto and made a part hereof is consistent with the intent and purpose of the Legislature in proposing Amendment No. 373 to the people of Alabama for their consideration and with the will of the people of Alabama expressed by their ratification of Amendment No. 373, and that the adoption by the State Department of Revenue of the aforesaid method of appraisal would fulfill the legislative mandate contained in Section 4 of Act No. 135 with respect to agricultural and forest property; and

WHEREAS, the Legislature finds that the application form set forth in Exhibit 2 attached hereto and made a part hereof would serve the purposes of the Legislature intended to be effectuated by the enactment of Act No. 135 with respect to agricultural and forest property; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recommend that the State Department of Revenue promulgate regulations adopting the method of appraisal of agricultural and forest property at its current use value described in the aforesaid Exhibit 1 and approving the application form set forth in the aforesaid Exhibit 2; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Commissioner of Revenue.

Approved May 31, 1979.

Time: 4:00 P.M.

EXHIBIT 1

CURRENT USE VALUATION OF AGRICULTURAL AND FOREST PROPERTY

Current use valuation of agricultural and forest property for purposes of Alabama ad valorem taxation shall be determined on the basis of ten soil groups (as determined by the Soil Conservation Service of the U. S. Department of Agriculture) and the net crop, pasture or timber income potential within each soil group. Current definitions of each soil group is attached to this exhibit as Appendix A. Landowners electing current use valuation shall have the current use value of their agricultural and forest property determined from the net income approach. The net income potential is determined by capitalizing potential net agricultural or forest income for each type of soil group. The current use value of a piece of property is therefore assumed to be the present worth of the net income property of that particular soil group will produce.

To determine current use value using this income approach a discount rate is to be selected annually utilizing the most recent five-year average of the interest rates on long-term United States Government bonds, as reported in the *Federal Reserve Bulletin*. (These have averaged 7.14 percent over the past five years, and this rate is the rate to be utilized for valuation for the ad valorem tax year beginning October 1, 1978.)

Then, using approved agricultural budgets for various farm enterprises as published by the Cooperative Extension

Service of Auburn University and soil groups from the Soil Conservation Service of the U. S. Department of Agriculture, net income flows are to be derived from land of each soil group as if the land were put in its highest and best agricultural or forest use. Three different subclasses of agricultural and forest property are recognized: cropland, pastureland and timberland. Using available 1978 data from the above sources current use cropland values are determined for 1978 as follows:

**RECOMMENDED CROPLAND VALUES FOR CURRENT
USE VALUATION FOR 1978**

Soil Group	Net Income Per Acre	Value Per Acre @ .0714	Assessed Value Per Acre @ 10%
1	\$ 34.00	\$476.19	\$ 47.61
2	30.60	428.57	42.85
3	22.10	309.52	30.95
4	27.20	380.95	38.09
5	25.50	357.14	35.71
6	17.00	238.10	23.81
7	6.80	95.23	9.52
8	27.20	380.95	38.09
9	17.00	238.10	23.81
10	0	0	1.00*

Since it is assumed that cropland in each soil group can be placed in its highest and best agricultural use, cropland budgets for three universal crops — cotton, soybeans, and corn — are used in determining potential net income flows for cropland.

Similar net income flows and computations are also to be developed within each soil group for timberland and pastureland, again using the approved Auburn University budgets and soil groups from the Soil Conservation Service, U. S. Department of Agriculture. Current use values for pastureland and timberland prepared in a manner comparable to that illustrated above for cropland are, for 1978:

Soil Group	Pastureland	Timberland
1	\$20.24	\$ 9.71
2	18.22	8.74
3	13.16	6.30
4	16.19	7.76
5	15.18	7.28
6	10.12	4.85
7	3.03	1.46
8	16.19	6.30
9	10.12	4.85
10	1.00*	1.00*

* It is assumed that all land has at least some minimal value for ad valorem taxation.

All applications for current use should be accompanied by a Soil Conservation Plan Map for the parcel in question, if a plan map has been prepared for the owner or is otherwise reasonably available. Any disputes or questions as to which soil group a particular parcel of land belongs shall be finally determined by the Board of Equalization of the county in question, after consultation with the Soil Conservation Service and the County Farm Agent. Fish ponds and the like not classified under Soil Group 10 shall be classified in the same class as the land surrounding the body of water in question.

An appropriate filled-in form exemplifying this approach to current use valuation for a hypothetical piece of land follows as Exhibit 2. Total acreage is assumed to consist of 100 acres (90 in crops, 10 in pasture) in Soil Group 1, 50 acres (25 in pasture, 25 in timber) in Soil Group 5, and 90 acres (timberland) in Soil Group 7.

APPENDIX A

Soil Groups¹

NEARLY LEVEL UPLANDS

Soil group #1. Nearly level soils on uplands; mostly deep and well drained (0 to 2 percent slopes). Soils in this group have no limitations that significantly restrict their use for agriculture. They are well suited to a wide range of plants and may be used for cultivated crops, small grains, hay crops, pasture, or woodland. They have moderate to high available water capacity and are responsive to fertilization. (Approximately 3% of total acreage)

Soil group #2. Nearly level soils in uplands; mostly deep, imperfectly drained (0 to 2 percent slopes). Soils in this group have a wetness limitation that restricts their use for agriculture. The choice of plants may be restricted on some soils but as a group they are suited for cultivated crops, small grains, hay crops, pasture, or woodland. The wetness limitation can be partially overcome by drainage. The soils have high available water capacity and are responsive to fertilization. (Approximately 4% of total acreage)

Soil group #3. Nearly level soils on uplands; mostly deep, well drained with thick sandy surface layers (0 to 5 percent slopes). Soils in this group have a low available water capacity that restricts their use for agriculture. The choice of plants is restricted and the soils require special considerations when used for cultivated crops and small grains. Most soils in this group are well suited for hay crops, pasture, and woodland.

¹Grouped according to factors that affect productivity.

Special practices must be used to prevent deterioration of the soils and to maintain yields if used for cultivated crops. Most soils in this group have low fertility levels that are not easily corrected by fertilization. (Approximately 2% total acreage)

SLOPING UPLANDS

Soil group #4. Gently sloping to sloping soils on uplands (2 to 6 percent slopes). Soils in this group have moderate limitations that restrict their use for agriculture. The choice of plants may be restricted on some soils but as a group they are well suited for cultivated crops, small grains, hay crops, pasture, or woodland. Limitations can be overcome by conventional practices but the soils require careful management to prevent deterioration and maintain maximum crop yields. Limitations include one or more of the following: slopes of about 2 to 6 percent, a somewhat restricted rooting zone, very slow permeability of the subsoil, and low available water capacity. Most soils in this group are responsive to fertilization. (Approximately 14% total acreage)

Soil group #5. Sloping to strongly sloping soils on uplands (6 to 10 percent slopes). Soils in this group have severe limitations that restrict their use for agriculture. The choice of plants is restricted and the soils require special considerations when used for cultivated crops and small grains. Most soils in this group are well suited for hay crops, pasture, and woodland. Special practices must be used to prevent deterioration of the soils and to maintain yields if used for cultivated crops. Limitations include one or more of the following: slopes of about 6 to 10 percent, very slow permeability of the subsoil, shallow rooting zone and, low available water capacity. Some sandy soils in this group have low fertility levels that are not easily corrected by fertilization. (Approximately 15% total acreage)

Soil Group #6. Moderately steep soils on uplands (10 to 15 percent slopes). Soils in this group have very severe limitations that restrict their use for agriculture. The choice of plants is restricted and very careful management is required to prevent soil deterioration, protect crops and to maintain crop yields. Soils in this group are generally poorly suited for row crops and small grains. They are suited to pasture and woodland but steep slopes restrict their use for hay crops. Limitations include one or more of the following: slopes of about 10 to 15 percent, shallow rooting depth, low available water capacity and surface stoniness that interferes with tillage. Some sandy soils in this group have low fertility levels that are not easily corrected by fertilization. (Approximately 14% total acreage)

Soil group #7. Steep soils on uplands (15+ percent slopes). Soils in this group have very severe limitations that make them unsuited for cultivated crops, small grains, or hay crops. They are suited for pasture only to a limited extent and are used mainly for woodland. Limitations include one or more of the following: slopes greater than 15 percent, shallow rooting depth, low available water capacity, and surface stoniness that seriously interferes with or prohibits tillage. Approximately 32% total acreage)

BOTTOMLANDS

Soil group #8. Bottomland soils that are well suited for cultivated crops, hay crops and pasture. Subject to occasional water overflow with only slight damage to crops. Soil wetness is correctable by drainage. Soils in this group are well suited for woodland. (Approximately 4% total acreage)

Soil group #9. Bottomland soils subject to frequent overflow with severe crop damage. Excessive wetness that persists after drainage restricts the use of these soils to mainly pasture and woodland. Woodland growth potential is excellent but equipment limitations and seedling mortality limit intensive forest management. (Approximately 12% total acreage)

Soil group #10. Soils normally covered with water or are saline. Soils in this group have such severe limitations that they are capable of only limited production of vegetative growth. They do not produce enough timber to justify management for production. (Less than 1% total acreage)

Source: Soil Conservation Service, U.S. Department of Agriculture.

EXHIBIT 2

APPLICATION FOR CURRENT USE VALUE OF AGRICULTURAL AND FOREST PROPERTY FOR AD VALOREM PROPERTY TAX ASSESSMENTS

I, John Doe, residing at Montgomery, Alabama hereby make application for current use assessment for ad valorem tax purposes on 240 acres located in Section 7, Township 17E, Range 20N.

The total acreage listed above, in my opinion, consists of:

Soil Group	Cropland	Pastureland	Timberland	Total Assessed Value
1	09 A.@ \$47.61	10 A.@ \$20.24	..... A.@ \$9.71	\$4,487.30
2	..... A.@ \$42.85	..... A.@ \$18.22	..... A.@ \$8.74	\$.....
3	..... A.@ \$30.95	..... A.@ \$13.16	..... A.@ \$6.30	\$.....

4	— A.@ \$38.09	..... A.@ \$16.19	..... A.@ \$7.76	\$.....
5	..... A.@ \$35.71	25 A.@ \$15.18	25 A.@ \$7.28	\$ 561.50
6	..... A.@ \$23.81	..... A.@ \$10.12	..... A.@ \$4.85	\$.....
7	— A.@ \$ 9.52	..... A.@ \$ 3.03	90 A.@ \$1.46	\$ 131.40
8	..... A.@ \$38.09	..... A.@ \$16.19	..... A.@ \$6.30	\$.....
9	— A.@ \$23.81	..... A.@ \$10.12	..... A.@ \$4.85	\$.....
10	..... A.@ \$ 1.00	..... A.@ \$ 1.00	..... A.@ \$1.00	\$.....
Total current use assessed value for land				\$5,180.20

Land hereinabove listed for current use value was, on October 1, 1978, devoted to agricultural or forest use as defined in Title 40, Code of Alabama 1975.

Sign Here /s/ John Doe

Partnership

Corporation

Subscribed and sworn to before me this day of
....., 19.....

.....
Tax Assessor

Act No. 79-164

S.J.R. 17—Weeks

SENATE JOINT RESOLUTION

HONORING DR. PAUL YODER, DISTINGUISHED
PROFESSOR OF MUSIC, TROY STATE UNIVERSITY.

WHEREAS, Dr. Paul Yoder, who is universally recognized as the world's most famous composer and arranger of band music, has written more than fourteen hundred arrangements and compositions during his distinguished career; and

WHEREAS, a graduate of the University of North Dakota with a Master of Music Degree from Northwestern University, he also holds an honorary Doctor of Music Degree from his North Dakota alma mater; in 1930 he became a public school teacher of instrumental music in Aurora, Illinois, and later directed the Central High School Band in Evansville, Indiana, resigning in 1936 to devote full time to composing and arranging music for school bands; and

WHEREAS, Dr. Paul Yoder has taught summer sessions at numerous colleges and universities throughout these United States and has traveled extensively, visiting bands in Europe and in the Far East; and

WHEREAS, known as the father of the band movement

in Japan, he is an honorary member of the Japanese Band Directors Association and also is a vice-president of the International Band Organization known as CISPM, the Confederation International Society of Popular Music, which is primarily concerned with amateur band music in all its member nations; Dr. Yoder further is a past president of the American Bandmasters Association, originating both the ABA Research Center at the University of Maryland and the publication, *Journal of Band Research*, during his term as president; and

WHEREAS, it was in 1947 that Dr. Yoder first directed the Spring Music Festival at Troy State, returning several times as festival director until 1971 at which time he became a part-time member of the Music Faculty at the invitation of his good friend, Dr. John Long; he has since composed two numbers especially for the University: "Hope for the Common Man," dedicated to Governor George C. Wallace, and "It's the Trojans," a fight song written for the famous "Sound of the South" Marching Band; and

WHEREAS, Dr. Yoder now lives in Troy, having elected to become a permanent resident of that city; we are both grateful that an artist of such stature is associated with one of our fine state universities and extremely proud that he has chosen to make his home in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in recognition of extraordinary ability and musical genius, we most highly commend Dr. Paul Yoder, Distinguished Professor of Music, Troy State University.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Yoder that he may know of our high praise, deep appreciation and esteem.

Approved June 5, 1979.

Time: 4:30 P.M.

Act No. 79-165

S. 66—St. John

AN ACT

To provide for the definition of death in cases where respiratory and cardiac functions are maintained by artificial means, to further provide that nothing in the Act shall be construed to prohibit a physician from using customary procedures for determining death in other cases, and to make additional provisions pertaining to the determination of death in those cases in which some part of the body is to be donated for transplantation.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) A person is considered medically and legally dead if, in the opinion of a medical doctor licensed in Alabama, based on usual and customary standards of medical practice in the community, there is no spontaneous respiratory or cardiac function and there is no expectation of recovery of spontaneous respiratory or cardiac function.

(b) In the case when respiratory and cardiac function are maintained by artificial means, a person is considered medically and legally dead if, in the opinion of a medical doctor licensed in Alabama, based on usual and customary standards of medical practice in the community for the determination by objective neurological testing of total and irreversible cessation of brain function, there is total and irreversible cessation of brain function. Death may be pronounced in this circumstance before artificial means of maintaining respiratory and cardiac function are terminated. In the case described in this subsection, there shall be independent confirmation of the death by another medical doctor licensed in Alabama.

Section 2. Nothing in this Act shall prohibit a physician from using other procedures based on usual and customary standards of medical practice for determining death as the exclusive basis for pronouncing a person dead.

Section 3. When a part of a donor is proposed to be used for transplantation pursuant to the Uniform Anatomical Gift Act of this State and the death of the donor is determined as set forth in Section 1 of this Act, there shall be an independent confirmation of the death by another medical doctor licensed in Alabama. Neither the physician making the determination of death nor the physician making the independent confirmation shall participate in the procedures for removing or transplanting a part.

Section 4. When a part of a donor is proposed to be used for transplantation pursuant to the Uniform Anatomical Gift Act of this State and the death of the donor is determined as set forth in Section 1 of this Act, complete patient medical records shall be kept, maintained and preserved.

Section 5. A person who acts in accordance with the terms of this Act is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

Section 6. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any section or provision of this Act shall be held invalid, or

unconstitutional by any court of competent jurisdiction, such a holding shall not affect any other section or provision of this Act which is not itself unconstitutional.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 5, 1979.

Time: 4:30 P.M.

Act No. 79-166	S.J.R. 21—Holmes, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenreid, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Keener, Kirkland, Lemaster, Little, McDonald, Martin, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, St. John, Taylor, Teague, Vacca, Weeks, White
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SENATE JOINT RESOLUTION

**COMMENDING MISS CHEATHAM, "MISS ALABAMA"
AND FIRST ALTERNATE TO "MISS AMERICA", 1979.**

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes the selection of our own "Miss Alabama" as first alternate to "Miss America" for 1979 during the prestigious pageant finals held in Atlantic City on September 9, 1978; and

WHEREAS, the lovely and talented Miss Cheatham of Wellington, Alabama, is a 1975 graduate of Anniston Academy and a senior candidate for a degree in Music Performance at Jacksonville State University; and

WHEREAS, "Miss Alabama," the only contestant to receive a standing ovation for her talent performance, not only was awarded \$5,000 in scholarships during preliminary competition but was further awarded scholarships totaling \$15,000 in the pageant's finals, and will serve in the event the reigning "Miss America" is unable to fulfill her term; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep admiration of her extraordinary beauty and exceptional

talent, we most gratefully express this body's appreciation for the fame and honor Miss Teresa Cheatham has brought to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Miss Cheatham that she may know of our admiration and esteem.

Approved June 5, 1979.

Time: 4:30 P.M.

Act No. 79-167 S.J.R. 24—Goodwin, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, McDonald, Martin, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, St. John, Taylor, Teague, Vacca, Weeks, White

SENATE JOINT RESOLUTION

CONGRATULATING OUR COLLEAGUE, WALLACE MILLER, ON THE RECENT AWARDS TO HIS RADIO STATION, WKMX.

WHEREAS, The Alabama Associated Press Broadcasters Association recently presented several awards to television and radio stations categorized by the size of their cities; and

WHEREAS, Senator Wallace-Miller's radio station in Enterprise, WKMX, won eight of these awards in the smaller city category, practically sweeping the field, with recognition in the fields of news operations, best regularly scheduled newscast, best editorial or commentary, best agricultural report, best general sports, best anchor, and best commentator or editorialist; and

WHEREAS, Senator Miller and his staff members, Chuck Leonard, Cal Callaway, and Dave Miller who share these awards, can be justifiably proud of this recognition from such a prestigious group; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we extend our heartiest congratulations to Wallace Miller, our

good friend and owner of WKMX, and the members of his staff, for the recognition they have received from their peers.

BE IT FURTHER RESOLVED That copies of this resolution be presented to Senator Miller and Messrs. Leonard, Callaway, and Miller.

Approved June 5, 1979.

Time: 4:30 P.M.

Act No. 79-168

S.J.R. 26—Parsons

COMMENDING MISS JENA LOUISE LARGE, MISS ALABAMA NATIONAL TEENAGER FOR 1979.

WHEREAS, the Legislature of Alabama notes with great pride and pleasure the selection of Miss Jena Louise Large of Hueytown, Jefferson County, Alabama, as the 1979 Miss Alabama National Teenager, crowned March 10, 1979, during pageant festivities held in Montgomery; and

WHEREAS, Miss Large is a charming fifteen-year-old sophomore at Hueytown High School, a superior student with an overall "A" average academically; and

WHEREAS, lovely Jena Louise won her crown in competition with 55 other young ladies, judged on a basis of points awarded for a written essay, on community involvement, scholarship achievement and on poise; and

WHEREAS, Jena will now serve as our state's lovely and charming representative in competition for the national title of Miss National Teenager; pageant finals are to be held August 11, 1979, in Atlanta, Georgia; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Jena Louise Large of Hueytown as our 1979 Miss Alabama National Teenager.

BE IT FURTHER RESOLVED, That Jena receive a copy of this resolution as an expression of our pride in her representation of the State of Alabama, with a copy also provided for her justifiably proud parents, Mr. and Mrs. James M. Large of Hueytown.

Approved June 5, 1979.

Time: 4:30 P.M.

Act No. 79-169 S.J.R. 33—Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenreid, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, McDonald, Martin, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, St. John, Taylor, Teague, Vacca, Weeks, White

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JAMES LOWELL ADAMS, SR., FORMER STATE SENATOR AND PROMINENT DOTHAN BUSINESSMAN.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mr. James Lowell Adams, Sr., on April 27, 1979, at the age of 63, following heart surgery at Emory University Hospital in Atlanta, Georgia; and

WHEREAS, Mr. Adams, who was a native of Houston County, was educated in the public schools in Dothan, Alabama; he was the founder of Adams Supply Company in Dothan, Selma and Ocala, Florida, and was serving as president of the company at the time of his death; and

WHEREAS, a Baptist, a Mason and a Rotarian, Jim Adams was also a director of the Alabama Cattlemen's Association and a member of the executive board of the Southeast Council of the Boy Scouts of America; and

WHEREAS, he further had served as president of the Board of Trustees of the Alabama Baptist Foundation, was a former board member of the Houston County Department of Pensions and Security and was former president of the National Peanut Festival; and

WHEREAS, from 1967 to 1970, our friend Jim Adams served in the Alabama Senate representing the twenty-sixth district of Houston and Dale Counties; he was a prominent member of this body who served his constituents and our state with utmost capability, diligence and devotion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of our friend and former colleague, James Lowell Adams, Sr., of Dothan, Alabama, and extend our most heartfelt sympathy to all members of his family.

BE IT FURTHER RESOLVED, That copies of this reso-

lution be sent to his wife, Mrs. Broma Phillins Adams, and to their two sons and three daughters, that they may know we deeply share the sorrow of their great loss.

Approved June 5, 1979.

Time: 4:30 P.M.

Act No. 79-170

S.J.R. 38—Denton

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM L. HOLLAND, JR.

WHEREAS, the Legislature of Alabama regrettfully notes the death of William L. Holland, Jr. of Montgomery, Alabama, on April 28, 1979, in Montgomery, Alabama, at the age of 57; and

WHEREAS, William Holland, an employee of the Game and Fish Division, Alabama Department of Conservation and Natural Resources for 30 years was a graduate of Auburn University where he received a B.S. Degree in Wildlife Management; he was a member of The Wildlife Society, National Wildlife Federation, Alabama Ornithological Society, Alabama Academy of Science and Metropolitan Museum of Science, a member also of the Elks Lodge, Moose Lodge, American Legion, Montgomery Art Guild and Montgomery Gem and Mineral Society; he further served as past president of the Southeast Federation of Gem and Mineral Societies; and

WHEREAS, Mr. Holland, as Chief of the Wildlife Section, Alabama Game and Fish Division, initiated a program of acquiring wildlife management areas through long term cooperative lease agreements with private landowners at no cost to the State whereby, the areas were made available for public hunting; under his leadership the number of wildlife management areas in the state available for public hunting was increased from 3 to 29 thus providing greatly increased hunting opportunities for many sportsmen who would not otherwise have a place to hunt; and

WHEREAS, under his direction a deer and wild turkey stocking program received high priority and as a result Alabama now has deer and turkey in all 67 counties and is recognized as a leader in deer and turkey management; his efforts and leadership contributed significantly to the very liberal deer hunting season and bag limit in the state and to the demonstrated biological soundness of a spring turkey season; the

success of his efforts in deer and turkey management influenced game managers in other states to initiate similar programs; and

WHEREAS, William Holland's service as Chairman of the Bird Book Committee in 1962 resulted in publishing "Alabama Birds" by the Game and Fish Division; this book was the first major publication concerning birds of the state since 1924 and has done more than any other one thing to advance the science of ornithology and the sport of bird watching in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn the death of William L. Holland, Jr., and we extend our deepest sympathy to his mother, Mrs. William L. Holland, Sr. and to his three sons, William L. Holland, III, Brooks L. Holland, and Robert M. Holland.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the family of Mr. Holland so that they may know of our shared sorrow in their great loss.

Approved June 5, 1979.

Time: 4:30 P.M.

Act No. 79-171

S.J.R. 40—Miller

SENATE JOINT RESOLUTION

CREATING AN INTERIM COMMITTEE TO STUDY THE OPERATION OF ALL STATE CAFETERIAS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the operation of all state cafeterias. Such committee shall be composed of three members of the House of Representatives, to be appointed by the Speaker of the House, and three members of the Senate, to be appointed by the President of the Senate. The chairman of the committee shall be chosen by the members.

The committee shall report its findings, recommendations and suggested legislation to the legislature by the 20th legislative day of the 1979 Regular Session.

Approved June 5, 1979.

Time: 4:30 P.M.

Act No. 79-172

S.J.R. 41—Cook, Little, Bailey, Barron,
 Britnell, Callahan, Clemon,
 deGraffenried, Denton, Figures,
 Glass, Goodwin, Gulledge, Hall,
 Harrison, Higginbotham,
 Holmes, Keener, Kirkland,
 Lemaster, McDonald, Martin,
 Miller, Mitchem, Parsons,
 Pearson, Proctor, Robertson,
 Smith, St. John, Taylor,
 Teague, Vacca, Weeks, White

SENATE JOINT RESOLUTION

COMMENDING BARBARA MANDRELL AS FEMALE VOCALIST OF THE YEAR.

WHEREAS, Barbara Mandrell of Nashville, Tennessee, and Still Waters on Lake Martin, Dadeville, Alabama, has distinguished herself by being selected as Country Music's Female Vocalist of the Year; and

WHEREAS, country music singer, Barbara Mandrell, has further distinguished herself through her untiring contributions to the youth of our state by lending her talents and resources to the Alabama Sheriffs Boys' and Girl's Ranches; and

WHEREAS, the Barbara Mandrell Alabama Sheriffs Girls' Ranch Benefit, held each October, provides significant funding for the cause of giving great numbers of girls an opportunity to grow into womanhood within the very best quality of life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend our friend and fellow Alabama citizen, Barbara Mandrell; we further express our deep appreciation for her outstanding service to the youth of our state, especially the girls of the Alabama Sheriffs Girls' Ranch, and direct that she receive a copy of this resolution as a token of our affection, admiration and praise.

Approved June 5, 1979.

Time: 4:30 P.M.

 Act No. 19-173

S.J.R. 43—Smith, Little, Bailey, Barron,
 Britnell, Callahan, Clemon,
 Cook, deGraffenried, Denton,
 Figures, Glass, Goodwin,

Gulledge, Hall, Harrison,
 Higginbotham, Holmes, Keener,
 Kirkland, Lemaster, McDonald,
 Martin, Miller, Mitchem,
 Parsons, Pearson, Proctor,
 St. John, Taylor, Teague, Vacca,
 Weeks, White

SENATE JOINT RESOLUTION

OPPOSING CONGRESSIONAL BUDGET CUT FOR GENERAL REVENUE SHARING.

WHEREAS, the State of Alabama receives approximately \$36,000,000 each year under the General Revenue Sharing Program which is applied to the operating budgets of Mental Health (\$16,400,000), Corrections (\$7,000,000), General Government (\$5,000,000), Economic and Community Development (\$1,000,000), and Highway Maintenance (\$6,588,000); and

WHEREAS, over 95% of these funds are annually applied to the State's operating budget and less than five percent are annually applied to capital outlay; and

WHEREAS, the termination of the General Revenue Sharing program for the states will mean a loss in revenue to the State of Alabama of approximately \$27,000,000 for the fiscal year ending September 30, 1980, and \$36,000,000 each fiscal year thereafter, thus placing undue and severe strains on the services that the State provides its citizens, as well as the pocket books of those citizens who pay for the services; and

WHEREAS, there are ample other appropriations in the \$532 billion budget which President Carter has proposed which are useless and wasteful expenditures and which are much less valuable to the people of the United States than the General Revenue Sharing program; and

WHEREAS, should the General Revenue Sharing program not be reinstated in the budget for the fiscal year ending September 30, 1980, the Alabama Legislature will have to be called into Special Session to impose new revenue raising measures and/or places to cut needed services, even though Alabama is regarded as a low service state, and thus will incur at least a half million dollars in unnecessary expenses at a time when the state is making every effort to streamline itself and operate efficiently at the least possible expense to the taxpayer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend our Alabama Congressional Delegation

for their efforts and support to balance the Federal Budget, but they are hereby requested to cut unneeded and unnecessary programs in the Federal budget rather than imposing a crisis in state government because of the loss of revenue sharing. Alabama's General Fund has severe pressure caused by such programs as Medicaid and Mental Health, which are suffering from reductions in Federal funding or Federally mandated costs. The programs funded out of the General Fund have historically suffered from funding, and loss of Revenue Sharing would only result in loss of needed services or cause severe pressures for additional taxes.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded by telegram or by other rapid communication, to each member of the Alabama Congressional Delegation that they might know our concern for the plight of the taxpayer in Alabama and our desire not to impose new taxes as a result of Congressional action.

This Act became a law under Section 125 of the Constitution on June 6, 1979 without approval by the Governor.

Act No. 79-174

S.J.R. 69—Miller

SENATE JOINT RESOLUTION

COMMENDING MR. REX THOMAS ON RECENT HONORS RECEIVED.

WHEREAS, on May 10, 1979, the fifth annual Hector Awards ceremony was held at Troy State University; and

WHEREAS, since 1974, the Hall School of Journalism at Troy State University has presented Hector Awards for outstanding performance by Alabamians in Journalism; and

WHEREAS, this year, Mr. Rex Thomas of the Associated Press was presented a special award for his "Lifetime of dedicated, unselfish service to the profession"; and

WHEREAS, as a token of deep affection and esteem, the University also presented Mr. Thomas with a certificate naming him an honorary president of TSU; and

WHEREAS, our friend, Rex Thomas, is indeed deserving of the high honors bestowed upon him by both Troy State University and by the Hall School of Journalism; throughout his long and distinguished career as a journalist, he has exhibited extraordinary ability, perception and clear understanding of a subject which has enabled him to excel outstandingly

in factual reporting and to fairly and objectively inform the reading public; now therefore,

BE IT RESOLVED BY BOTH HOUSES OF THE LEGISLATURE OF ALABAMA. That we most highly commend Mr. Rex Thomas on his 1979 Hector Award and on his designation as honorary president of TSU. We further direct that Mr. Thomas receive a copy of this resolution that he may know our extreme pleasure and of our concurrence with his selection by the University and the Hall School of Journalism.

Approved June 5, 1979.

Time: 4:30 P.M.

Act No. 79-175

H.J.R. 111—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Thursday, May 17, 1979, we adjourn to meet again on Tuesday, May 22, 1979, and when we adjourn on Tuesday, May 22, we adjourn to meet again on Thursday, May 24, 1979.

Approved June 5, 1979.

Time: 5:00 P.M.

Act No. 79-176

H. 7—Campbell

AN ACT

To authorize Calhoun County and each of the municipalities therein which undertake to provide animal control services or programs for the public to establish, fix, and collect reasonable fees, charges, and rates and to enter into contracts, including the leasing of county and/or municipal property, with other political subdivisions or private entities for the operation and maintenance of such services or programs.

Be It Enacted by the Legislature of Alabama:

Section 1. Calhoun County and each of the municipalities therein which undertake to provide animal control services or programs for the public are hereby authorized and empowered to establish, fix, and collect reasonable fees, charges, and rates and to enter into contracts, including the leasing of county and/or municipal property, with other political subdivisions or private entities for the operation and maintenance of such

services or programs. For the purposes of this act, the term "animal control" shall include, but shall not be limited to, the control, removal, and containment of stray or farm animals.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved June 5, 1979.

Time: 5:00 P.M.

Act No. 79-177

H. 47—Blake

AN ACT

Relating to St. Clair County; to amend Section 16 of Act No. 1728, H. 2522 (Acts of Alabama, 1971, p. 2889), relating to the construction, repair and maintenance of roads in St. Clair County and to the duties of the county commission, so as to further provide for the travel expenses of the chairman and the members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16 of Act No. 1728, H. 2522 (Acts of Alabama, 1971, p. 2889), is hereby amended to read as follows:

"Section 16. In carrying out the duties imposed by the provisions of this Act, the chairman and each member of the county commission shall receive \$2400.00 per year paid in 12 equal monthly installments for travel in the county in the discharge of his duties for and on behalf of the county. In addition each member of the county commission may be reimbursed for travel and actual expenses incurred on official business outside of the county. Said amount reimbursed shall not exceed \$900.00 per member per annum. The above expenses are in addition to any salary or monthly expense allowance now authorized but are in lieu of any existing travel expense. The above expenses may be paid out of the gasoline tax appropriated to the county."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 5, 1979.

Time: 5:00 P.M.

Act No. 79-178

H. 367—Hines, Warren

AN ACT

To amend Section 1 of Act No. 248, H. 976 of the 1976 Regular Session of the Legislature entitled "An Act Relating to Escambia County, providing further for the salary of the chief deputy sheriff of said county" so as to provide further for the salary of said chief deputy.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 248, H. 976 of the 1976 Regular Session of the Legislature is hereby amended to read as follows:

"Section 1. The chief deputy sheriff of Escambia County shall hereby receive a minimum annual salary of \$10,800.00 payable in equal monthly installments from the county treasury. The salary herein provided shall be in lieu of any and all compensation heretofore payable to the chief deputy sheriff of said county."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 5, 1979.

Time: 5:00 P.M.

Act No. 79-179

H. 563—Turner

AN ACT

Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. The Washington County Commission shall provide an expense allowance to the circuit clerk so that the total compensation and allowance of the circuit clerk shall be an amount equal to \$25,000.00 per annum. The county commission shall fix the amount of the expense allowance by resolution, and shall adjust such expense allowance to maintain the total compensation and allowance of the circuit clerk at \$25,000.00 per annum.

Section 2. All prior expense allowances granted the circuit clerk are hereby repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such

declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 5, 1979.

Time: 5:00 P.M.

Act No. 79-180

H. 565—Turner

AN ACT

Relating to Washington County; providing further for the expense and mileage allowances of the members of the board of equalization, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman and each member of the board of equalization of Washington County shall be paid an expense allowance from the county general fund of \$20.00 per day for each day of service, and \$.15 per mile for expenses of traveling to and from the courthouse on inspection of property assignments. The mileage allowance herein provided shall not be paid for trips to and from the residences of the chairman and other members to the county courthouse. The allowances herein provided shall be payable in addition to those allowances and compensation payable under Section 40-3-7, Code of Alabama 1975, and the allowances herein provided shall be the total expense and travel allowance or other compensation payable by the county, in lieu of all other allowances or compensation heretofore provided by local law.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. Act No. 40, H. 186, 1965 Regular Session (Acts of Alabama 1965, p. 58), and all other laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 5, 1979.

Time: 5:00 P.M.

Act No. 79-181

H. 311—Turner

AN ACT

Relating to Washington County; further providing for the expense allowances of certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Washington County, in addition to any salary heretofore provided by law, the following expense allowances and raises are hereby granted to the following officers:

(a) County Commissioner	
(Expense allowance)	\$725.00 per month
(b) Probate Judge	
(Expense allowance)	\$600.00 per month
(c) Tax Assessor (Raise)	\$583.33 per month
(d) Tax Collector (Raise)	\$583.33 per month
(e) Sheriff (Expense allowance)	\$583.33 per month

The expense allowances and raises provided for in this Act shall be the total expense allowances granted such officers. All other expense allowances heretofore provided by law are expressly repealed.

Section 2. The expense allowances and raises provided the officers in this Act shall be paid from the general funds of the county in the same manner now provided by law for payment of the compensation of such officers.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 5, 1979.

Time: 5:00 P.M.

Act No. 79-182

H. 236—McMillan

AN ACT

To authorize the production and sale of native Alabama farm wines; to impose a privilege and excise tax on the manufacture and sale of said wines; and to authorize the direct sale of said wines to retailers and consumers.

WHEREAS, the Legislature of the State of Alabama recognizes the vital contribution of the agricultural industry to the economy of this state, the necessity of the farmer to have fair and unencumbered access to the market-place, and declares that the intent of this act is to enhance and expand such in-

dustry by authorizing and encouraging the domestic production of native Alabama farm wines from grapes, berries, fruits and produce grown in Alabama; and

WHEREAS, the Legislature of the State of Alabama further recognizes the vital contribution of the tourist industry to the economy of this state, and declares that the intent of this Act is to enhance such industry by encouraging the planting and development of native Alabama farm vineyards, the construction of native Alabama farm wineries, and the production and sale of native Alabama farm wines so that tourists travelling through Alabama may visit vineyards, wineries and wine cellars and purchase Alabama domestic wines; and

WHEREAS, the Legislature further recognizes the need for the expansion, diversification and development of Alabama economy, and declares that the intent of this Act is to authorize and encourage the introduction of a new industry into this state which will provide new employment opportunities, additional income, and support for existing industries in Alabama; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. When used in this Act, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(a) "Native farm winery" shall mean a winery where the annual production does not exceed one hundred thousand (100,000) gallons, and seventy-five percent (75%) or more of the berries, fruit, produce or honey used in the manufacture of such wine is grown and produced in Alabama by the native farm winery permit holder upon land owned or leased by the permit holder in the vicinity of his farm winery.

(b) "Native farm wine" shall mean any product having an alcohol content not to exceed fourteen (14%) by volume and made in accordance with the revenue laws of the United States, which is produced on a native farm winery.

(c) "Person" shall mean one (1) or more natural persons, or a corporation, partnership, or association.

(d) "Board" shall mean the Alabama Alcoholic Beverage Control Board.

Section 2. It shall be lawful to produce native farm wine in the State of Alabama and to sell such native farm wine within or without the state. Every native farm winery in the State of Alabama shall apply for a license as provided for in Section 28-3-140, Code of Alabama 1975.

Section 3. Every native farm winery is hereby authorized to make sales to the board, directly to consumers for off-premises consumption, to alcoholic beverage permit holders of the board, including but not limited to wholesale dealers and distributors, stores, hotels, restaurants, clubs, dining cars, and to any producer, manufacturer, wholesaler, retailer or consumer located outside the State of Alabama.

Section 4. (a) Upon every manufacturer holding a license for the production of native farm wine, there is hereby levied and imposed for the privilege of engaging in the manufacture of native farm wine an annual privilege license tax in the amount of twenty-five dollars (\$25.00) which shall be paid to the board.

(b) There is hereby levied and assessed an excise tax upon each case of native farm wine sold by a manufacturer to any source to be collected from the manufacturer in an amount equal to five cents (5¢) per gallon. However, native farm wine produced in Alabama for export and sale without this state shall not be subject to said excise tax, but such tax shall accrue or be collected on native farm wines dispensed, as free samples in quantities of not more than six (6) ounces, in the tasting room or wine cellar of a native farm winery. The excise tax provided for in this section shall be in lieu of all other taxes imposed.

(c) The privilege tax imposed by subsection (a) of this section shall be collected in the same manner as presently provided by law for the collection of other alcoholic beverages. The excise tax imposed by subsection (b) of this section shall be reported monthly by the producer to the board on all sales made in Alabama to the board, retailers, consumers, or any alcoholic beverage permit holder of the board, along with a statement of gallonage produced during that month, and the producer shall remit the tax due and owing with each report. The producer shall also include in the report a statement of gallonage sold and exported for sale outside this state.

(d) Provided that such fruit, produce or honey used in the manufacture of native Alabama wine is not available in Alabama due to an act of God, the holder of a farm winery permit may apply to the Alabama Alcoholic Beverage Control Board for permission to import such produce.

(e) All taxes imposed, levied, and collected under this section shall be deposited in the same manner as are other taxes collected by the board.

Section 5. The board may in its discretion direct that stamps purchased at cost from the board be affixed to the

cartons, bottles or containers as a means of identification. The board shall promulgate rules and regulations as needed to protect the revenue of Alabama derived from the excise tax on native farm wine.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating this subject; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 6, 1979.

Time: 12:10 P.M.

Act No. 79-183

S. 225—Martin

AN ACT

To amend Section 11-81-4 of the Code of Alabama 1975, as amended, so as to authorize the issuance by any municipality in this state of refunding interest-bearing certificates of indebtedness, warrants or notes not only for the purpose now specified in said Section 11-81-4 but also to refund any outstanding revenue bonds of such a municipality issued under the provisions of Article 5 of Chapter 81 of Title 11 of the Code of Alabama 1975, as amended (or predecessor statute), and to make certain other clarifying changes to said Code section.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-81-4 of the Code of Alabama 1975, as amended, shall be and hereby is further amended to read as follows:

11-81-4. The governing body of any municipality in this state is hereby authorized to issue, without an election, refunding interest-bearing certificates of indebtedness or refunding interest-bearing warrants or refunding interest-bearing notes maturing at such time or times as the governing body may determine, not exceeding 30 years from their respective dates, for the purpose of funding or refunding outstanding certificates of indebtedness or warrants or notes of such municipality or any outstanding revenue bonds of such municipality issued under the provisions of Article 5 of Chapter 81 of Title 11 of the Code of Alabama 1975, as amended (or predecessor statute), or any combination thereof, whether the same are due at the

time of such funding or refunding or at a later date, in an aggregate principal amount not exceeding the sum of (1) the outstanding principal of such outstanding certificates, warrants, notes or revenue bonds, (2) the interest accrued and unpaid thereon plus the interest to mature thereon until the date on which they are to be redeemed or paid and (3) the amount of any redemption premium to be paid as a condition to their redemption prior to their respective maturities, or for the purpose of refunding or discharging any judgment or judgments based upon such obligations, and the governing body of any such municipality may pledge to the payment of the principal of and interest on said refunding certificates of indebtedness or refunding warrants or refunding notes any tax or license or revenues which the municipality may then be authorized to pledge to the payment of bonded or other indebtedness.

Section 2. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 7, 1979.

Time: 4:05 P.M.

Act No. 79-184

S. 74—Proctor, Miller, Barron

AN ACT

To provide for privileged communications with clergymen.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions: As used in this Act, unless a contrary meaning is clearly intended from the context in which the term appears, the following terms have the respective meanings hereinafter set forth and indicated:

(a) "Clergyman" means any duly ordained, licensed or commissioned minister, pastor, priest, rabbi or practitioner of any bona fide established church or religious organization and shall include and be limited to any person who regularly, as a vocation, devotes a substantial portion of his time and abilities to the service of his respective church or religious organization.

(b) "Legal or quasi legal proceedings" shall mean any proceeding, civil or criminal, in any court, whether a court of record, a grand jury investigation, a coroner's inquest and any proceeding or hearing before any public officer or administrative agency of the state or any political subdivision thereof.

Section 2. If any person shall communicate with a clergy-

man in his professional capacity and in a confidential manner (a) to make a confession, (b) to seek spiritual counsel or comfort, or (c) to enlist help or advice in connection with a marital problem, either such person or the clergyman shall have the privilege, in any legal or quasi legal proceeding, to refuse to disclose and to prevent the other from disclosing anything said by either party during such communication.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 7, 1979.

Time: 4:30 P.M.

Act No. 79-185

S. 351—Robertson

AN ACT

Relating to Pickens County; to regulate and provide for the payment of compensation of election officers; and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The officers appointed to hold elections in Pickens County shall each be entitled to fifteen dollars per election; provided that the County Commission shall be authorized to set the amount of such compensation in those election precincts where such officers may be required to work more than one box. The returning officers shall, in addition, be entitled to mileage as prescribed in Section 17-6-13 of the Code of Alabama 1975. The several claims shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated, on proper proof of service rendered. The amounts paid to election officers under this Act for compensation, per diem or mileage, shall be reimbursable to the county by the State as prescribed in Chapter 21 of Title 17 of the Code of Alabama 1975.

Section 2. This Act shall have retroactive effect to May 1, 1976, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 7, 1979.

Time: 4:30 P.M.

Act No. 79-186

S. 375—Taylor

AN ACT

Relating to Wilcox County; to authorize and regulate the power of the county commission to construct and maintain roads or driveways leading from a public road to the residence of a landowner.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Wilcox County is hereby authorized and empowered to construct and maintain any road or driveway, exclusive of bridges, leading from a public road to the residence of a landowner within the limitations as set forth in Section 2.

Section 2. No construction of a road or driveway as provided in Section 1 shall be undertaken where the total cost of such construction project shall exceed \$500.00 including labor, material, equipment use, or any other cost to the county. The cost of such construction of a road or driveway within the \$500.00 limitation shall be borne and paid by the homeowner.

Section 3. The county governing body is hereby authorized and empowered to require the posting of a cash bond to insure the payment of such actual cost of construction within the \$500.00 total cost limitation.

Section 4. Construction of such roads or driveways shall be conditioned upon the men and equipment not being needed elsewhere for county work and shall be at the convenience of the county. All monies and/or revenues received for this work shall be deposited in the county treasury to the credit of the gasoline fund to be used as provided by law.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 7, 1979.

Time: 4:30 P.M.

Act No. 79-187

S. 376—Taylor

AN ACT

To amend Section 1 of Act No. 440, S. 511, Regular Session 1973 (Acts 1973, p. 632), providing an additional expense allowance for the chairman and members of the Wilcox County Commission so as to provide further for such expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 440, S. 511, Regular Session 1973 (Acts 1973, p. 632), is hereby amended to read as follows:

“Section 1. The chairman and each member of the Wilcox County Commission shall be entitled to an expense allowance not to exceed \$500.00 per month. This allowance shall be in lieu of all other expense allowances now provided by law and shall be payable from the general funds of the county or such other funds of the county as the county commission shall determine. Any increase made in such expense allowance under the authority of this act must be approved by a majority of the county commission at any regularly scheduled meeting of the commission.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 7, 1979.

Time: 4:30 P.M.

Act No. 79-188

S. 377—Taylor

AN ACT

Relating to Wilcox County; to further authorize and regulate the use of county equipment.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Wilcox County is hereby authorized and empowered to use county equipment to load

dirt, sand, clay or gravel into privately owned dump trucks whether owned by a company or an individual.

Section 2. The governing body of Wilcox County is further authorized and empowered to use county equipment to spread dirt, sand, clay or gravel within the county, when delivered by privately owned dump trucks.

Section 3. The generally recognized prevailing rate for equipment rental shall be charged for the use of county equipment as authorized in Section 1 and 2 above. The use of such equipment shall be conditioned upon its not being needed elsewhere in the county for county work and all such use shall be at the convenience of the county.

Section 4. All monies and/or revenues received from such equipment rental shall be deposited in the county treasury to the credit of the gasoline fund to be used as provided by governing statutes.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 7, 1979.

Time: 4:30 P.M.

Act No. 79-189

H.J.R. 152—Manley

HOUSE JOINT RESOLUTION

EXTENDING AN INVITATION TO MR. ALFRED KAHN, ADVISER TO THE PRESIDENT, TO ATTEND AND ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully request Mr. Alfred Kahn, Adviser to President Carter on inflation, to attend and address a Joint Session of the Alabama Legislature on May 31, 1979, at 10:00 a.m.

BE IT FURTHER RESOLVED, That the Clerk of the House is hereby directed to inform Mr. Kahn, by copy of this resolution, of our invitation and that we hopefully await his acceptance.

Approved June 7, 1979.

Time: 4:45 P.M.

Act No. 79-190

H.J.R. 154—Ward, Whatley, Turnham,
Patton

HOUSE JOINT RESOLUTION

MOURNING THE UNTIMELY DEATH OF EUGENE CLAY JONES OF OPELIKA.

WHEREAS, The Alabama House of Representatives was deeply shocked and saddened to learn of the untimely death of Mr. Eugene Clay Jones on May 16, 1979, at the early age of 45 years; and

WHEREAS, a lifelong resident of Opelika and Lee County, Gene Jones, at the time of his death, was serving as Probation Officer with the Lee County Juvenile Court, a position he had held for some 18 years, following ten years service with the Opelika Police Department; and

WHEREAS, during his long and prestigious career as an officer of the law and of the Courts, Mr. Jones served two years as chairman of the Association of Alabama Chief Probation Officers; he was chairman of the Board of Directors of the Lee County Department of Pensions and Security and had served as board director of the Youth Development Center and of the Lee County Council for Neglected and Dependent Children; and

WHEREAS, he was a member of the Lee County Inter-agency for Children, the National Juvenile Court Services Association and the National Council of Juvenile and Family Court Judges; he served on the Probation Officers Advisory Commission to the Department of Youth Services Board and was a member of the Juvenile Justice subcommittee of the Supreme Court Advisory Commission; and

WHEREAS, in further keeping with his concern and interest in the youth of our State, Gene Jones also devoted much of his time to the Dixie Youth Baseball Program of his community; and

WHEREAS, Mr. Jones was a prominent member of his

community, an outstanding citizen who served untiringly in his efforts to serve others, particularly those young citizens of our state who are most in need of challenging leadership and guidance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Eugene Clay Jones of Opelika; we extend our most heartfelt sympathy to his wife, Mrs. Nola Dean Jones, and to their young son, Tommy, to whom copies of this resolution shall be sent as evidence of our shared sorrow in the great loss of their husband and father.

Approved June 7, 1979.

Time: 4:45 P.M.

Act No. 79-191 H.J.R. 155—Drinkard, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper, Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. VERLON E. WATERS
OF CULLMAN, ALABAMA.

WHEREAS, the Legislature of Alabama most grievously notes the death of Mr. Verlon E. Waters, native and lifelong resident of Cullman, Alabama, on May 6, 1979, the 59th anniversary of his birth; and

WHEREAS, Lon Waters was a veteran of both World War II and of the Korean Conflict and, at the time of his death, he was serving as Program Director of Radio Station WFMH, a position he had held for some thirty years; and

WHEREAS, a member of the Sacred Heart Catholic Church in Cullman, Mr. Waters was also a member of the Knights of Columbus, the VFW and the American Legion; and

WHEREAS, he was a charter member of the Cullman Lions Club, a former club selection for "Lion of the Year" and had been prestigiously made a Lifetime Member of the Lions Club of Cullman; and

WHEREAS, though deeply involved in all facets of community life, his particular and absorbing interest was in the Cullman County Fair which association he served as secretary for more than twenty years; and

WHEREAS, prior to his death, Lon Waters had been confined to a wheel chair for many years as a result of paralysis following injuries suffered during an automobile accident in the early 1950's and, though physically disabled, he continued to serve and give to his community in a manner to be emmulated even by those sound of body and physically more fortunate than he; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Verlon E. Waters of Cullman, Alabama, sharing the sorrow of his loss with his family, his many friends and with all those privileged to know him well.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Mary Anna Geisen Waters, to their son and daughter, Michael D. Waters and Mrs. Pete Nassetta, and to his mother and father, Mr. and Mrs. John G. Waters, that they may know of our concern for them in their time of great sorrow.

Approved June 7, 1979.

Time: 4:30 P.M.

Act No. 79-192

H.J.R. 159—Daniels, Carothers, Sasser,
Grimsley

HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING MISS TONIA
KIRKLAND, NATIONAL PEANUT FESTIVAL QUEEN.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates Miss Tonia Kirkland, reigning National Peanut Festival Queen; and

WHEREAS, Tonia Kirkland, a former Miss Cottonwood, is a senior at Cottonwood High School, an outstanding student who has maintained excellent grades throughout her school career; and

WHEREAS, Miss Kirkland, the lovely daughter of Mr. and Mrs. Wayne Kirkland of Cottonwood, is to be most highly commended for the manner in which she has so graciously and capably represented the peanut industry and our State since her selection this past October as Festival Queen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Tonia Kirkland as National Peanut Festival Queen and voice our deep appreciation for the fame and honor she has brought to the State of Alabama as our ambassador throughout the United States.

BE IT FURTHER RESOLVED, That both she and her justifiably proud parents receive copies of this resolution that they may know of our appreciation, high praise and esteem.

Approved June 7, 1979.

Time: 4:45 P.M.

Act No. 79-193

H.J.R. 160—Daniels, Sasser, Carothers,
Grimsley

HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING MISS MOLLY
MIZELL, NATIONAL "LITTLE MISS PEANUT."

WHEREAS, the Legislature of Alabama is pleased to note the selection of Molly Mizell of Ozark, Alabama, as our National "Little Miss Peanut" whose reign began this past October following festival finals; and

WHEREAS, little Molly Mizell is the daughter of Mr. and Mrs. H. Jack Mizell and is an eight-year old second grade student at Joseph Lisenby Elementary School in Ozark; and

WHEREAS, Molly is a former "All-American Little Miss" for Dale County who then won the talent division and was first alternate for the State; she also was "Little Miss Ozark" which made her eligible for the National Peanut Festival where she won her national title, "Little Miss Peanut;" and

WHEREAS, with lovely brown hair and black eyes, Molly is a charming and talented young lady who indeed has many outstanding accomplishments to her credit for one so young; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Molly Mizell of Ozark, Alabama, as our national "Little Miss Peanut"; we wish her every future success and direct that she and her parents receive copies of this resolution as evidence of our warm praise and congratulations.

Approved June 7, 1979

Time: 4:45 P.M.

Act No. 79-194 H.J.R. 166—Gregg, Hall, Turnham, Albright, Adams (C), Adams (H), Barton, Bedsole, Blake, Buskey, Campbell, Coburn, Cosby, Crow, Daniels, Drinkard, Ford, Gilmer, Grouby, Holly, Johnson (R.G.), Johnson (Roy), Kennedy (Y), Laird, Langford, Letson, McKee, McMillan, Mitchell, Naramore, Penry, Rains, Shavers, Smith (J), Smith (M), Wyatt

HOUSE JOINT RESOLUTION

REQUESTING THE MEMBERS OF CONGRESS TO PROVIDE DISPOSITIONS TO THE STATES OF CERTAIN REVENUE FUNDS

WHEREAS, PRESIDENT JIMMY CARTER has expressed a strong desire and interest to de-regulate oil and gas prices; and

WHEREAS, it is known that such de-regulations would

ultimately result in substantially increased consumer prices of gasoline and other petroleum products, and

WHEREAS, the increase in petroleum product cost would result in substantial gross revenue with little or no increased cost to the petroleum industries and the effect thereof projected to tremendously increase the already record high profits of petroleum companies, and

WHEREAS, the president doubtlessly recognizes their projected increased profits as evidenced by this determination to institute a windfall profits tax, and

WHEREAS, the State of Alabama has found itself in an immediate need of a viable program to repair, maintain and develop her State highway and bridge systems for the safety of her people, and

WHEREAS, such a program would cost tens of millions of dollars to a citizenry who are not only already overburdened with taxes and inflation but further will have to bear the additional burden of increased gasoline prices as a result of de-regulation.

NOW THEREFORE BE IT RESOLVED: That the members of the Alabama House of Representatives, the Alabama Senate, both Houses concurring do hereby encourage the President and Congress of the United States of America to consider the plight of the American people as regards to the de-regulation of gasoline and petroleum products;

FURTHER, BE IT RESOLVED: That the Alabama Legislature does hereby request the Alabama delegation to the House and Senate of Congress take the appropriate steps necessary to insure a portion of the proposed petroleum "windfall profits tax" be returned to the states of America for use within those states to the benefit of their citizens.

FURTHER, BE IT RESOLVED: That a copy of this Resolution be dispatched to United States Senator Donald Stewart, United States Senator Howell Heflin; Congressmen Ronnie Flippo, Jack Edwards, William L. "Bill" Dickinson, Bill Nichols, Tom Beville, John H. Buchanan, and Richard C. Shelby.

FURTHER, BE IT RESOLVED: That to insure the Members of Congress awareness of the intent of this resolution that the resolution be presented for recording in the Congressional Record and a copy be presented to the Office of the President of the United States.

Approved June 12, 1979.

Time: 6:00 P.M.

Act No. 79-195 H.J.R. 167—Seibels, Albright, Amari, Barton,
 Blake, Bowling, Cheatwood,
 Cosby, Crow, Drinkard,
 Grimsley, Horn, Howard,
 Johnson (R.G.), Kelley, Laird,
 Lewis, McKee, Mitchell,
 Naramore, Nevett, Olive, Payne,
 Reed, Smith (M), Tucker,
 Turnham, Willis

HOUSE JOINT RESOLUTION

STATING THE LEGISLATURE'S ENDORSEMENT OF THE CONTINUATION OF THE REVENUE SHARING PRO- GRAM TO STATE AND LOCAL GOVERNMENTS.

WHEREAS, the Revenue Sharing Program, which has been in effect since 1972, is a fair and equitable means of returning to the various states and localities federal tax monies which may then be allocated according to priorities as determined by the local entities as to degree and order of need; and

WHEREAS, since the program's inception, some \$250 million have been paid to the State of Alabama, almost \$184 million to the counties of our state, and more than \$314 million to the cities and towns in Alabama, for a total to date which approaches \$750 million of our taxpayers' money sent back to Alabama and to our local communities; and

WHEREAS, it now appears there are some moves underway in Washington to terminate the Revenue Sharing Program, or to drastically alter its present structure so that there will be less decision-making locally as to where and how revenue sharing money will be spent; and

WHEREAS, the present Revenue Sharing Program is considered by the Alabama Legislature to be consistent with the democratic process in that it allows decisions to be made by locally elected officials who are in the best position to know the needs of their respective communities; and

WHEREAS, the Revenue Sharing Program has been of tremendous financial assistance to state and local governments and the termination of this program would be a terrible setback in carrying out the many worthwhile programs which were generated and are operated by these revenue sharing funds; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, on this 29th day of May, 1979, we do wholeheartedly and un-animously endorse the concept of revenue sharing as it cur-

rently operates, and we also highly commend those members of Congress who, through an Act of the Congress, made the Revenue Sharing Program possible.

BE IT FURTHER RESOLVED, That we most strongly urge the President and the Congress to support the continuation of revenue sharing to the state and local governments as the program has in the past, and presently, operates.

RESOLVED FURTHER, That copies of this resolution be sent to President Carter and to each member of the Alabama Congressional Delegation in Washington, D.C. and all other members of Congress.

Approved June 12, 1974.

Time: 6:00 P.M.

Act No. 79-196

H. 525—Ray

AN ACT

To alter, rearrange and extend the boundaries of the City of Brundidge in Pike County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Brundidge in Pike County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include all of the territory heretofore encompassed by the corporate limits of the City of Brundidge and in addition thereto the following described territory, to-wit:

The south half of Sections 22, 23 and 24; the west half of Sections 27 and 34; the east half of Sections 25 and 36, Township 9 North; and the north half of Sections 1, 2, and 3, Township 8 North, all in Range 22 East, Pike County, Alabama.

Section 2. This act shall become effective upon its passage and approval by the governor or its otherwise becoming a law.

Approved June 12, 1979.

Time: 6:00 P.M.

Act No. 79-197

H. 552—Cobb

AN ACT

Relating to Marion County; to provide further for the compensation of election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. All election officials in Marion County shall receive twenty-five dollars (\$25.00) per day for the performance of their official duties. The county governing body shall supplement the compensation already provided for by the general law with funds out of the county general fund sufficient to bring said compensation up to the amount provided by this act. In the case of municipal elections, the supplement shall be paid out of municipal funds by the municipal governing body.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1979.

Time: 6:00 P.M.

Act No. 79-198

H. 604—Holley

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of New Brockton of Coffee County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of New Brockton in Coffee County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

All of Sections 34, 35, 36 and the South $\frac{1}{4}$ of Sections 14, 15 and 25, all situated, lying and being in Township 5 North, Range 21 East in Coffee County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1979.

Time: 6:00 P.M.

Act No. 79-199

H. 638—Dial

AN ACT

Relating to Clay County; to give the county commission certain powers in regard to constructing and maintaining roads and right-of-way leading to private dwellings and certain authority to use county equipment and personnel for maintenance of certain public properties.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Clay County is hereby authorized and empowered to construct and maintain any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting landowner for a distance of 500 feet.

Section 2. The actual cost of opening and constructing the road or driveway shall be borne and paid by the homeowner. The county commission is hereby authorized and empowered to require the posting of a cash bond to insure the payment of such actual cost. The county commission, may, in its discretion, provide normal maintenance at county expense on any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting homeowner for a distance of 500 feet.

Section 3. Should any such homeowner desire the construction, opening or maintenance of any drive extending beyond 500 feet, he must pay the actual cost thereof and the county can require a cash bond for the estimated amount of such construction. Such additional construction shall be at the option of the county commission.

Section 4. The county commission is further authorized and empowered to use county equipment and personnel in its discretion to provide normal maintenance at county expense on any road, driveway, parking lot, or grounds of any municipal or county owned property, or in or around public gathering places within the county.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 12, 1979.

Time: 6:00 P.M.

Act No. 79-200

S.J.R. 46—Mitchem

SENATE JOINT RESOLUTION

NAMING THE HEALTH, PHYSICAL EDUCATION AND RECREATION BUILDING AT SNEAD STATE JUNIOR COLLEGE THE "EMMETT PLUNKETT-LURLEEN B. WALLACE GYMNASIUM."

WHEREAS, the Health, Physical Education, and Recreation Building at Snead State Junior College was named for Lurleen Burns Wallace for her devoted service to the cause of education; and

WHEREAS, Coach Emmett Plunkett has devoted 28 years of service to Snead State Junior College; and

WHEREAS, Coach Plunkett is truly a legend in the hearts of faculty, students, and citizens of the area, for his outstanding service and positive influence on the lives of so many students; and

WHEREAS, it is the desire of all who know Coach Plunkett that the Health, Physical Education, and Recreation Building bear his name; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Health, Physical Education, and Recreation Building at Snead State Junior College is hereby named and designated as the "Emmett Plunkett-Lurleen B. Wallace Gymnasium."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said building as the "Emmett Plunkett-Lurleen B. Wallace Gymnasium."

FURTHER RESOLVED, That copies of this resolution be sent to the President of Snead State Junior College and to Coach Emmett Plunkett.

Approved June 14, 1979.

Time: 8:00 A.M.

Act No. 79-201

S. 350—Robertson

AN ACT

Relating to Pickens County; to regulate and provide for the payment of expense allowance of jurors; and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Each person summoned for duty on any grand or petit jury in Pickens County shall be paid a total expense allowance of twenty dollars per day for each day's service, plus mileage as provided by general law. Such expense allowance and mileage accrued prior to January 17, 1977 is payable out of the county treasury.

Section 2. This act shall have retroactive effect, and all actions taken and payments made pursuant thereto on and before that date are ratified and confirmed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1979.

Time: 8:20 A.M.

Act No. 79-202

H.J.R. 145—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Thursday, May 24, 1979, we adjourn to meet again on Tuesday, May 29, 1979, and when we adjourn on Tuesday, May 29, we adjourn to meet again on Thursday, May 31, 1979.

Approved June 14, 1979.

Time: 8:20 A.M.

Act No. 79-203

H. 188—Carter

AN ACT

To amend Section 32-6-4, Code of Alabama 1975, providing for the issuance of driver's licenses and nondriver identification cards to provide the cost of the issuance of driver's license and non-driver identification cards. And to amend Section 32-6-5, Code of Alabama 1975, providing for reports by the Judge of Probate on issuance of driver's license and

nondriver identification cards, compensation of the Judge of Probate and disposition of fees collected.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-6-4 of the Code of Alabama 1975, is hereby amended to read as follows:

“(a) Upon the installation of a system for the issuance of driver’s licenses and nondriver identification cards with color photographs of licensees and nondrivers thereon, all such licenses and identification cards and renewals thereof issued in this state shall be issued in the following manner:

(1) Such person shall apply under oath to the judge of probate or license commissioner of the county of his residence for said driver’s license or nondriver identification card or a renewal thereof upon a form which shall be provided by the director of public safety.

(2) The judge of probate or license commissioner shall take a color photograph of the licensee with equipment to be furnished by the department of public safety to be attached to each application.

(b) For the purpose of defraying the cost of issuing driver’s licenses or nondriver identification cards with color photographs of the licensee or nondriver thereon, the probate judge or license commissioner shall collect for each license or identification card the sum of \$10.00 for a four-year license or identification card, and the judge of probate or license commissioner shall give the licensee a driver’s license or identification card.”

Section 2. Section 32-6-5 of the Code of Alabama 1975, is hereby amended to read as follows:

At the close of business on Monday of each week when any application has been received or temporary instruction permit provided for in this article has been issued, the judge of probate receiving such application or issuing such permit shall prepare a report of the same upon a form which shall be provided by the director of public safety. One copy of such report, together with all applications received and copies of all permits issued, shall be forwarded to the director of public safety and one copy shall be retained by the judge of probate. On the tenth day of every month, the judge of probate shall prepare a report showing the number of applications received and permits issued and the amount of fees received during the previous calendar month; provided, that said report shall be prepared on the twentieth day of October, November and December. One copy of such report shall be forwarded to the

director of public safety, one to the comptroller and one to the treasurer, and he shall retain a copy. He shall also at said time deliver to the treasurer the amount of all such fees collected, less \$1.50 for each driver license or identification card issued, which sum shall be retained by him. Each \$1.50 retained by the probate judge shall be paid into the public highway and traffic fund of the county; except that, in counties where the probate judge is compensated by fees, two fifths of each \$1.50 retained by the probate judge shall be for his own use, and no other or further charge shall be made by him for services rendered in taking or receiving applications or issuing permits; provided, that this provision shall not repeal any local statutes nor general statutes of local application contrary to this provision; the remaining three fifths shall be paid into the public highway and traffic fund of the county. All funds remitted to the state treasurer under the provisions of this section shall be deposited to the credit of the general fund and shall be appropriated for public safety use."

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved June 14, 1979.

Time: 8:20 A.M.

Act No. 79-204 H. 200—Carothers, Pegues, Hines, Gafford,
Waggoner

AN ACT

To amend Section 20-2-54, of the Code of Alabama, 1975, so as to make the conviction of a crime under any State or Federal law relating to any controlled substance and the excessive dispensing of a controlled substance grounds for suspension or revocation of a registration.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 20-2-54, of the Code of Alabama, 1975, be and the same is hereby amended to read as follows:

"Section 20-2-54. Same—Revocation or suspension of registration—Grounds and procedure generally.

(a) A registration under Section 20-2-52 to manufacture, distribute or dispense a controlled substance may be suspended or revoked by the certifying boards upon a finding that the registrant:

(1) Has furnished false or fraudulent material information in any application filed under this article;

(2) Has been convicted of a crime under any state or federal law relating to any controlled substance;

(3) Has had his federal registration suspended or revoked to manufacture, distribute or dispense controlled substances;

(4) Has violated the provisions of Chapter 23 of Title 34 of this Code; or

(5) Has, in the opinion of his certifying board, excessively dispensed controlled substances for any of his patients. A registrant may be considered to have excessively dispensed controlled substances if his certifying board finds that either the controlled substances were dispensed for no legitimate medical purpose, or that the amount of controlled substances dispensed by the registrant is not reasonably related to the proper medical management of his patient's illnesses or conditions. Drug addiction shall not be considered an illness or condition which would justify continued dispensing of controlled substances, except in gradually decreasing dosages administered to the patient for the purpose of curing the addiction.

(b) The certifying boards may limit revocation or suspension or a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) If the certifying boards suspend or revoke a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.

(d) The certifying boards shall promptly notify the bureau of all orders suspending or revoking registration and all forfeitures of controlled substances."

Section 2. All laws or parts of laws which conflict with this act are, to the extent of such conflict, hereby repealed.

Section 3. The provisions of this act are severable. If any portion of this act be held unconstitutional or invalid, it shall not affect any portion of this act not in itself unconstitutional or invalid.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1979.

Time: 8:20 A.M.

Act No. 79-205

S.J.R. 82—Denton

SENATE JOINT RESOLUTION

EXPRESSING THE LEGISLATURE'S CONCURRENCE WITH THE RECENT COURT DECISION ORDERING THE RELOCATION OF TVA ADMINISTRATIVE HEADQUARTERS FROM KNOXVILLE, TENNESSEE, TO THE MUSCLE SHOALS AREA OF ALABAMA.

WHEREAS, the Tennessee Valley Authority Act of 1933 required that said corporation locate and maintain its principal office in the vicinity of Muscle Shoals, Alabama; and

WHEREAS, in direct defiance of the provisions of this 1933 Act, administrative headquarters were located and have since remained in Knoxville, Tennessee; circumvention of the law was questionably achieved through the opening of what was termed a "principal office" at Muscle Shoals but has been described as little more than "a one-room office equipped with one typewriter and two file cabinets"; and

WHEREAS, on January 25, 1979, as a result of a suit filed in 1977 by the Attorney General of Alabama, U. S. District Judge Frank H. McFadden issued an order prohibiting TVA from maintaining headquarters anywhere other than in the Muscle Shoals area of Alabama and directing that said headquarters in Knoxville be moved to comply with the stipulation written into the 1933 Act; and

WHEREAS, it is the consensus of this body that the TVA Act of 1933 is explicit in language and in Congressional intent and that Judge McFadden's recent order of compliance serves to correct an injustice that has existed for more than forty years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously voice total and unequivocal agreement with the Court's decision to relocate TVA headquarters to the Muscle Shoals area of Alabama as stipulated by the Tennessee Valley Authority Act of 1933, and therefore most strongly urge immediate implementation of Judge Frank H. McFadden's order of January 25, 1979.

Be IT FURTHER RESOLVED, That a copy of this reso-

lution be sent to the President of the United States and to the TVA Board of Directors, Mr. David Freeman, Chairman, with copies also sent to each member of the Alabama Congressional Delegation in Washington, D. C.

Approved June 14, 1979.

Time: 8:20 A.M.

Act No. 79-206

S. 434—Holmes

AN ACT

To alter the boundary lines of the municipality of Oxford, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the municipality of Oxford, Alabama are hereby altered so that the following described property shall be included within the Municipal limits of said municipality; to wit:

All that part of the west Half (W $\frac{1}{2}$) of the west half (W $\frac{1}{2}$) of Section 5, Township 17, Range 8, lying south of the public road known as the Boiling Springs public road, except for 15 acres, more or less, heretofore conveyed by Oscar Feazell and wife, Viola Feazell, to Fred Feazell and wife, Mary Feazell, on September 20, 1947, and recorded in the Office of the Judge of Probate of Talladega County, Alabama, in Deed Book 138, Page 459, and more particularly described as follows: Beginning at a point on the south right-of-way of the Boiling Springs Public Road, said point of beginning being where the east line of the northwest quarter (NW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of Section 5, Township 17, Range 8, intersects said road; thence south eight hundred seventy-three (873) feet; thence west parallel to the land line thirteen hundred forty nine (1349) feet to the east line of said Boiling Springs Road; thence east and northeast along said road to the point of beginning containing fifteen (15) acres, more or less, and being situated in the west one half (W $\frac{1}{2}$) of northwest quarter (NW $\frac{1}{4}$) of Section 5, Township 17, Range 8, Talladega County, Alabama, said land herein conveyed contained one hundred nine (109) acres more or less, situated in Talladega County, Alabama.

The foregoing description being also described as including all of the Rollins Heights Subdivision, as recorded in the Probate Office of Talladega County, Alabama, in Plat Book 5, Page 22; and all of the Rollins Heights Subdivision, Addition #2, as recorded in the Probate Office of Talladega County,

Alabama, at Plat Book 5, page 283; and all of the Green Acres Estates Subdivision, as recorded in the Probate Office of Talladega county, Alabama, in Plat Book 5, page 219; and all of the Green Acres Estates Subdivision, Addition #2, as recorded in the Probate Office of Talladega County, Alabama, at Plat Book 5, page 305 and 306.

Less and Except from the foregoing descriptions:

1. All that tract or parcel of land described as: Starting at the southwest corner of Section 5, Township 17 South, Range 8 East; thence north 0 degrees 42 minutes west a distance of 2869.50 feet to a point; thence north 87 degrees 25 minutes east a distance of 686.26 feet to a point of beginning; thence north 87 degrees 25 minutes east a distance of 133.33 feet to a point; thence south 2 degrees 25 minutes east a distance of 150.00 feet to a point; thence south 87 degrees 25 minutes west a distance of 133.33 feet to a point; thence north 2 degrees 25 minutes west a distance of 150.00 feet to a point of beginning; situated, lying and being in Section 5, Township 17 South, Range 8 East, Talladega County, Alabama.

2. Starting at the northwest corner of Section 5, Township 17 South, Range 8 East; thence south 0 degrees 42 minutes east a distance of 1515.69 feet to a point; thence north 87 degrees 22 minutes east a distance of 453.81 feet to a point; thence south 2 degrees 38 minutes east a distance of 210 feet to a point of beginning; thence continuing south 2 degrees 38 minutes east a distance of 150 feet to a point; thence south 87 degrees 22 minutes west a distance of 100 feet to a point; thence north 2 degrees 38 minutes west a distance of 150 feet to a point; thence north 87 degrees 22 minutes east a distance of 100 feet to a point of beginning.

Containing 0.34 acres more or less; situated, lying and being in the northwest quarter of Section 5, Township 17 South, Range 8 East, Talladega County, Alabama.

3. Beginning at the northwest corner of Lot One Green Acres Estates Subdivision as recorded in Plat Book 5, page 219 in the Office of the Probate Judge of Talladega County; thence north 150 feet to the south right-of-way of Patricia Lane; thence east 35 feet to the northwest corner of the Terry L. Butterworth property, thence south along the Terry L. Butterworth property 150 feet to the southwest corner of the Terry L. Butterworth property thence west 35 feet to the point of beginning; situated in Talladega County, Alabama.

4. Lot 1, Block 2, Rollins Heights Subdivision, as recorded in the Probate Office of Talladega County, Alabama, in Plat Book 5, page 22.

All that part of the east $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 5, Township 17, Range 8, in Talladega County, Alabama, described as follows: Commencing at the NW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 17, Range 8; thence run south along the west line of said NW $\frac{1}{4}$ a distance of 675 feet, more or less to the south line of the Old Friendship-Munford Public Road; thence continue south along the west line of said NW $\frac{1}{4}$ a distance of 207.1 feet to the point of beginning; thence run easterly, along the J. O. Bennett south line a distance of 660.85 feet to the SE corner of the Bennett property (being also the SW corner of Lot 6, Block B of King View Subdivision, as recorded in the Talladega County Probate Office at Plat Book 4, page 182); thence run northwesterly (along the dividing line between the J. O. Bennett property and the west line of Lots 1 through 6 of Block B, of the King View Subdivision, as recorded in the Talladega County, Alabama Probate Office at Plat Book 4, page 182) to a point on the south right-of-way line of the Old Friendship-Munford Public Road; thence run easterly, along said road, to its point of intersection with the west right-of-way line of Cheaha Drive (AKA Buckhorn Road); thence south, along said road, a distance of 1135.12 feet (to a point where said road intersects with the south right-of-way line of La Taste Drive, said point also being the NE corner of Lot 1, Block C of said King View Subdivision); thence run south 0 degrees 51.5 minutes east a distance of 803.5 feet to a point; thence run south 0 degrees 13.5 minutes east a distance of 434.3 feet to a point (being on the south line of the "Buffer Zone," and being the SE corner of the King View Subdivision, all as shown on the plat thereof at Plat Book 4, page 182); thence run westerly along the south line of said "Buffer Zone" to the west line of the NW $\frac{1}{4}$ of Section 5 and the Rollins property line; thence run north, along the west line of said NW $\frac{1}{4}$ to the point of beginning; situated, lying and being in Talladega County, Alabama.

The foregoing description also described as being all of the King View Subdivision, as recorded in the Talladega County, Alabama, Probate Office at Plat Book 4, page 182.

Less and Except from the foregoing descriptions:

1. Lots 6, 9 and 10, Block A, King View Subdivision, as recorded in the Talladega County Probate Office at Plat Book 4, page 182.

2. Lot 10, Block B, King View Subdivision, as recorded in the Talladega County Probate Office at plat book 4, page 182.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 14, 1979.

Time: 3:00 P.M.

Act No. 79-207

S. 67—Cook

AN ACT

To amend Sections 36-33-1 and 36-33-2 of the Code of Alabama 1975, which relate to security protection for certain state officers and others, so as to require the director of public safety to designate personal security officers for the state officers, within or without the department of public safety; to establish the classification for such executive security officers; to provide for the executive security officers' salaries and to clothe them with the authority and powers of peace officers and arrest.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-33-1 and 36-33-2 of the Code of Alabama 1975, are hereby amended to read as follows:

"Section 36-33-1. For the purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

"(1) Governor-Elect and Lieutenant Governor-Elect and Attorney General-Elect. Such persons as are the apparent successful candidates for the offices of governor and lieutenant governor and attorney general, respectively, as ascertained from the results of any primary or general election held to determine the successors of the governor and lieutenant governor and attorney general.

"(2) Other Officers Next in the Order of Succession to the Office of Governor. The two persons next in order of succession to act as governor after the lieutenant governor, in accordance with article 5, section 127, Constitution of Alabama of 1901, the president pro tem of the senate and the speaker of the house, each until their successors are elected.

"(3) Protectee of the Department of Public Safety. Such persons as are designated by the governor or the director of public safety to receive protection.

"(4) Executive Security Officers. Any person designated by the director of public safety to protect persons pursuant to subparagraph (1) of this section.

"Section 36-33-2. (a) The department of public safety is required to protect, from the date of his election, throughout his term and for a period of five years after the expiration of his term of office, the person of the governor of the state

of Alabama, the members of his immediate family and the governor-elect; and from the date of their respective elections and throughout their respective terms of office the department of public safety is required to protect the person of the lieutenant governor, the next two officers in order of succession to the office of governor, the president pro tem of the senate and the speaker of the house, each until their successors are elected, and the lieutenant governor-elect and the attorney general and the attorney general-elect; and, at the direction of the governor or director of public safety, other officials of the state and distinguished visitors to the state. The department of public safety may call on other departments of state government to assist in this protective function. Provided, however, the protection of such state officers shall be at each officer's discretion.

"(6) The director of public safety is empowered to designate any person, with the approval of the respective state officers, from within or without the department of public safety, as executive security officer. All persons so designated shall, during such employment be full-time state employees and shall be entitled to the same benefits as state merit system employees in their rank and grade. Provided, however, no person so designated shall have state merit system status unless the person, prior to his appointment, was classified in the state merit system. They shall be clothed with the powers and authority of peace officers and shall have the power of arrest. Such powers and authority may be exercised within or without the state. The provisions of the Minimum Standards and Training Act shall not be mandatory on such executive security officers and they shall be exempt from compliance therewith. The salary of such officers shall be not more than the highest level for a unit commander of any unit within the department of public safety. The salary of any department of public safety personnel, currently classified in the state merit system, shall not exceed three steps above his earned permanent rank; provided, however, this provision shall not be construed to prohibit any earned promotion. The salary of the executive security officers shall be paid from any funds appropriated for the department of public safety."

Section 2. The provisions of Section 36-21-50 shall have no application to any person acting pursuant to this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 15, 1979.

Time: 8:15 A.M.

Act No. 79-208

H.J.R. 163—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn Thursday, May 31, 1979, we adjourn to meet again on Tuesday, June 5, 1979, and when we adjourn on Tuesday, June 5, we adjourn to meet again on Thursday, June 7, 1979.

Approved June 19, 1979.

Time: 9:10 A.M.

Act No. 79-209 H.J.R. 188—Bedsole, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey,

Stewart, Stout, Trammell,
Tucker, Turner, Turnham,
Venable, Waggoner, Ward,
Warren, Whatlev, Williams,
Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

HONORING JOSEPH C. McCORQUODALE, JR., DISTINGUISHED ALABAMIAN.

WHEREAS, the Legislature of Alabama, having paid tribute on previous occasions to the extraordinary achievements of the Honorable Joseph C. McCorquodale, Jr., is pleased to again most highly commend our good friend on his recent selection to membership in the Alabama Academy of Honor; and

WHEREAS, now in his sixth term of service in the Alabama House of Representatives, twice-elected Speaker by his peers, Joe McCorquodale joins a select group, finite in number, to be acclaimed by the Academy which was established for the express purpose of bestowing honor and recognition upon living Alabamians for their outstanding accomplishments and service; membership is limited to no more than ten persons each year with a maximum membership of one hundred notables so distinguished by the Academy; and

WHEREAS, the Academy's selection of our colleague Joe McCorquodale is a reflection of this body's affection and deep respect for a truly distinguished Alabamian with whom we are gratefully privileged to serve in our sincere efforts to so govern as to benefit our state and all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute and in praise of Joseph C. McCorquodale, Jr., and warmly congratulate our friend on his selection to membership in the Alabama Academy of Honor.

BE IT FURTHER RESOLVED, That Speaker McCorquodale be presented with a copy of this resolution which attests to our deep appreciation for his leadership and guidance and speaks of our respect, affection and esteem.

Approved June 19, 1979.

Time: 9:10 A.M.

Act No. 79-210 H.J.R. 190—Turnham, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabiness, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby.

HOUSE JOINT RESOLUTION

NAMING THE LIVESTOCK ARENA AT AUBURN UNIVERSITY THE "HAM WILSON LIVESTOCK ARENA."

WHEREAS, Ham Wilson has played a leading and dynamic role in the growth and development of the Livestock Industry of Alabama for the past quarter of a century; and

WHEREAS, Ham Wilson has rendered outstanding assistance to the Auburn University School of Agriculture and Extension Service in its growth and development; and

WHEREAS, Ham Wilson is recognized throughout the United States as a leader of the Beef Cattle Industry; and

WHEREAS, Ham Wilson has rendered great and valuable service to agriculture in Alabama that will impact for many years to come; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Livestock Arena at Auburn University, the "Ham Wilson Livestock Arena."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said arena as the "Ham Wilson Livestock Arena."

RESOLVED FURTHER, That a copy of this resolution be forwarded to Mr. Wilson that he may be aware of this honorary designation in appreciation of his contributions to Auburn University and his promotion of the Livestock Industry of Alabama.

Approved June 19, 1979.

Time: 9:10 A.M.

Act No. 79-211

H.J.R. 192—Daniels

HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING MISS MIRANDA GALLOWAY, 1979 GENEVA COUNTY TOMATO FESTIVAL QUEEN.

WHEREAS, the Legislature of Alabama has noted with pleased accord the recent selection of Miss Miranda Galloway as the 1979 Geneva County Tomato Festival Queen; and

WHEREAS, the lovely Miss Galloway, daughter of Mr. and Mrs. Reo Galloway of Geneva, Alabama, is a superior student at Geneva High School where she will enter the senior class this Fall; and

WHEREAS, during her reign, Miranda Galloway can be expected to most ably represent her county's tomato industry as she is possessed of inordinate grace and charm as well as extraordinary beauty; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly congratulate and commend Miss Miranda Galloway as the Geneva County Tomato Festival Queen for 1979, and direct that both she and her proud parents receive copies of this resolution that they may be aware of our warm best wishes and heartfelt praise.

Approved June 19, 1979.

Time: 9:10 A.M.

AN ACT

To require registration of foreign limited partnerships with the Secretary of State before doing business in this State; to define terms; to define liabilities of limited partners; to establish the requirements and effects of registration, and cancellation of registration; to define the duties of the Secretary of State and the authority of the Attorney General; to prohibit foreign limited partnerships for maintaining any action, suit, or proceeding until after registration; establishing an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Law Governing —

(a) Definition. "Foreign limited partnerships" as used in this Act means a partnership formed under the limited partnership laws of any territory, possession, commonwealth or state of the United States other than this state, having as members one or more general partners and one or more limited partners.

(b) Subject to the Constitution of this State, (1) the laws of the State under which a foreign limited partnership is organized govern its organization and internal affairs and the liability of its limited partners, and (2) a foreign limited partnership may not be denied registration by reason of any difference between those laws and the laws of this State.

Section 2. Registration — Before transacting business in this State, a foreign limited partnership shall register with the Secretary of State. In order to register, a foreign limited partnership shall:

(a) file with the Secretary of State a copy of its certificate of limited partnership (or equivalent document) and all amendments thereto, duly authenticated and certified by the proper public authority;

(b) submit to the Secretary of State, in duplicate, on forms furnished by the Secretary of State, an application for registration as a foreign limited partnership, signed and sworn to by a general partner and setting forth:

(1) the name of the foreign limited partnership, and if different, the name under which it proposes to register and transact business in this State;

(2) the State and date of its formation;

(3) the general character of the business it proposes to transact in this State;

(4) the name and address of an agent for service of

process on the foreign limited partnership whom the foreign limited partnership elects to appoint; the agent must be an individual resident of this State.

(5) the address of the office required to be maintained in the State of its organization by the laws of that State or, if not so required, of the principal office of the foreign limited partnership; and

(6) if the certificate of limited partnership filed in the foreign limited partnership's state of organization is not required to include the names and business addresses of the partners, a list of such names and addresses.

(c) pay a fee in the amount of Seventy-five Dollars (\$75.00) for filing the Certificate of Limited Partnership, processing the application for registration as a foreign limited partnership and issuing the certificate of registration to transact business in this State.

Section 3. Issuance of Registration —

(a) If the Secretary of State finds an application for registration conforms to law and all requisite fees have been paid, he shall:

(1) endorse on the application the word "Filed," and the month, day, year and time of the filing thereof;

(2) file in his office a duplicate original of the application; and

(3) issue a certificate of registration to transact business in this State.

(b) The certificate of registration, together with a duplicate original of the application, shall be returned to the person who filed the application or his representative.

Section 4. Name — A foreign limited partnership may register with the Secretary of State under any name (whether or not it is the name under which it is registered in its state of organization) that could be registered in the State of Alabama.

Section 5. Changes and Amendments — if any statement in the application for registration of a foreign limited partnership was false when made or any arrangements or other facts described have changed, making the application inaccurate in any respect, the foreign limited partnership shall promptly file in the office of the Secretary of State a certificate, signed and sworn to by a general partner, correcting such statement.

Section 6. Cancellation of Registration — A foreign limited

partnership may cancel its registration by filing with the Secretary of State a certificate of cancellation signed and sworn to by a general partner.

Section 7. Transaction of Business Without Registration —

(a) A foreign limited partnership transacting business in this State may not maintain any action, suit, or proceeding in any court of this State until it has registered in this State.

(b) The failure of a foreign limited partnership to register in this State does not impair the validity of any contract or act of the foreign limited partnership or prevent the foreign limited partnership from defending any action, suit, or proceeding in any court of this State.

(c) A limited partner of a foreign limited partnership is not liable as a general partner of the foreign limited partnership solely by reason of the foreign limited partnership having transacted business in this State without registration.

Section 8. Action by Attorney General — The Attorney General may bring an action to restrain a foreign limited partnership from transacting business in this state in violation of this Act.

Section 9. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective on the first day of the next succeeding month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 19, 1979.

Time: 9:10 A.M.

Act No. 79-213

H. 632—Coburn, Goodwin

AN ACT

To provide for a referendum in any city in the State of Alabama which has a population of less than twenty thousand (20,000) and which elected to abandon the commission form of government and return to the mayor-council form of government since January 1, 1975, but was denied approval of the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, 42 USC § 1973 (c) due to the objection that aldermen are elected at large; to provide for the electorate of such city to choose between the commission form of government and the mayor-council form of government; to provide for the ballots to be used in any such referendum; to provide for an election

of commissioners or a mayor and aldermen depending upon which form of government receives a majority of the votes at said referendum; to provide for the election of a President of the Board of Commissioners, a Commissioner of Streets, and a Police Commissioner who would designate the place for which such person is a candidate; to provide for the terms of office of said commissioners; to provide for a method of fixing the salaries of the commissioners; to provide for the election of one alderman from each ward by the electorate of such ward and the election of a mayor by the electorate of the city at large with the mayor to serve as the president of the council; to provide for the terms of office of the aldermen and mayor; and to provide for a method of fixing the salaries of the aldermen and mayor.

Be It Enacted by the Legislature of Alabama:

Section 1. Any city in the State of Alabama which has a population of less than twenty thousand (20,000) and which elected to abandon the commission form of government and return to the mayor-council form of government since January 1, 1975, but was denied approval of the Attorney General of the United States pursuant to Section 5 of the Voting Rights Act of 1965, 42 USC § 1973 (c) due to the objection that aldermen are elected at large, may readopt the commission form of government or adopt the mayor-council form of government by proceeding in the manner hereinafter in this Act provided.

Section 2. The mayor of such city may by proclamation submit the question of the readoption of the commission form of government or the adoption of the mayor-council form of government for such city, under this Act, at a special referendum to be held at a time specified in such proclamation, not less than thirty (30) days nor more than sixty (60) days after the date of such proclamation.

Section 3. In any such referendum the proposition to be submitted to the voters shall be printed in plain, prominent type on ballots separate and distinct from ballots for any office or question and shall read as follows:

"Shall the commission form of government
be readopted for the city of

Yes....."

"Shall the mayor-council form of govern-
ment be adopted for the city of

Yes....."

The voter shall mark his ballot with a cross mark before or after the word which expresses his choice. The voter shall express his choice as to one form of government only and no ballot shall be legal which is marked for more than one choice. No other proposition shall be submitted to the voters of such city upon this ballot. If voting machines are used at any voting place in such election, the above propositions may at the discre-

tion of the official or officials having charge of the conduct of municipal elections in such city be submitted as separate propositions on voting machines so used.

Section 4. Any such referendum shall be conducted, the vote canvassed, and the vote declared in the same manner as provided by law in respect to other city elections in such city, and only qualified electors of such city shall vote thereat.

Section 5. A. If the commission form of government is the form of government receiving the majority of votes at such referendum, the commission form of government as it previously existed shall be established in such city and the mayor shall call an election for the Board of Commissioners in not less than sixty (60) days and in not more than ninety (90) days after such special referendum.

B. A notice of such election shall be given and such election shall be conducted in accordance with the law applicable to other city elections in such city.

C. At such election three (3) commissioners shall be elected, a President of the Board of Commissioners, a Commissioner of Streets, and a Police Commissioner. The President of the Board of Commissioners shall be elected to serve for a term of three (3) years plus any part of a year remaining between the effective date of the termination of said unapproved mayor-council form of government as fixed by an order of a federal district court and the next succeeding first Monday in October. The Commissioner of Streets shall be elected to serve for a term of two (2) years plus any part of a year remaining between the effective date of the termination of said unapproved mayor-council form of government as fixed by an order of a federal district court and the next succeeding first Monday in October. The Police Commissioner shall be elected to serve for a term of one (1) year plus any part of a year remaining between the effective date of the termination of said unapproved mayor-council form of government as fixed by an order of a federal district court and the next succeeding first Monday in October. Thereafter, the commissioner elected shall serve for a term of three (3) years from the first Monday in October and until the successor shall be elected and qualified for office; so that one (1) commissioner is elected each year. The election for each of said offices shall be held in accordance with the laws applicable to cities with a commission form of government.

D. Every candidate for election as a commissioner shall in announcing his candidacy designate the place for which such person is a candidate and the ballots to be used at the election shall be prepared accordingly.

E. The salary of each of the commissioners may be established by the unanimous vote of the commissioners at least three (3) months prior to any election for commissioner. Such salary as established by the commissioners shall not apply during the current term of any commissioner. The salary of each commissioner will be as otherwise provided by law if not established by the commissioners pursuant to this paragraph.

Section 6. A. If the mayor-council form of government is the form of government receiving the majority of votes at such referendum, the mayor shall call an election for a mayor and aldermen not less than sixty (60) days and not more than ninety (90) days after such special referendum.

B. Notice of such election shall be given and such election shall be conducted in accordance with the laws applicable to other city elections in such city.

C. At such election there shall be elected a mayor and one (1) alderman from each ward in such city. One alderman shall be elected by the qualified voters of each ward. A mayor shall be elected by the electors of the city at large. The mayor so elected shall also serve as president of the city council. The term of office of the mayor and aldermen shall end on the first Monday in October of the year in which the term expires.

D. The mayor shall be elected to serve for a term of four (4) years plus any part of a year remaining between the effective date of the termination of said unapproved mayor-council form of government as fixed by an order of a federal district court and the next succeeding first Monday in October. The aldermen elected from odd numbered wards shall serve for a term of two (2) years plus any part of a year remaining between the effective date of the termination of said unapproved mayor-council form of government as fixed by an order of a federal district court and the next succeeding first Monday in October. The aldermen elected from even numbered wards shall serve for a term of four (4) years plus any part of a year remaining between the effective date of the termination of said unapproved mayor-council form of government as fixed by an order of a federal district court and the next succeeding first Monday in October. Thereafter, the mayor and aldermen elected shall serve for terms of four (4) years from the first Monday in October and until the successor shall be elected and qualified for office, and such elections shall be held in accordance with the laws applicable to cities with a mayor-council form of government.

E. The salary of the mayor and aldermen may be established by the unanimous vote of the mayor and the aldermen at least three (3) months prior to any election for mayor or

alderman. Such salary as established by the mayor and aldermen shall not apply during the current term of any mayor or alderman. The salary of the mayor and each alderman will be as otherwise provided by law if not established by the mayor and aldermen pursuant to this paragraph.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved June 19, 1979.

Time: 9:10 A.M.

Act No. 79-214

S.J.R. 80—Mitchem

SENATE JOINT RESOLUTION

DECLARING THE WEEK OF JUNE 3-9, 1979, "ALABAMA POULTRY AND EGG WEEK."

WHEREAS, the poultry and egg industry is Alabama's largest farm industry, totaling nearly \$600 million annually and accounting for over 34 percent of the total agricultural income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of poultry and eggs; and

WHEREAS, the poultry and egg industry provides jobs for thousands of Alabamians; and

WHEREAS, Gerald F. Bailey, Cullman, Alabama, has served as president of the Alabama Poultry and Egg Association with dedication, honor, and utmost ethical standards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of June 3-9, 1979, is hereby declared to be "Alabama Poultry and Egg Week."

Approved June 19, 1979.

Time: 9:05 A.M.

Act No. 79-215 S.J.R. 89—Mitchem, deGraffenried, Robertson

SENATE JOINT RESOLUTION

ENCOURAGING THE MENTAL HEALTH DEPART-

MENT OF THE STATE OF ALABAMA TO IMPLEMENT A PILOT PROGRAM THROUGH WHICH ALL STATE SUPPORTED INSTITUTIONS IN TUSCALOOSA COUNTY WILL PURCHASE HOMEGROWN FOODS DIRECTLY FROM ALABAMA FARMERS.

WHEREAS, there exists a vital need to provide improved markets for small farmers in Alabama which would in turn boost production of Alabama homegrown food and thereby support a stronger local economy; and

WHEREAS, there is also a need to provide a means to enable the public institutions in our state to serve fresher and therefore higher quality foods; and

WHEREAS, as there is a concentration of state-supported boarding facilities such as the University of Alabama, Bryce Hospital and Partlow State School located in Tuscaloosa County, said county would serve as an excellent test area for the state to implement a pilot program through which state-supported institutions would purchase homegrown foods directly from Alabama farmers; and

WHEREAS, with such a program to begin August 1, 1979, continuing through the 1979 growing season, or approximately November, 1979, adequate time would be given to prove either the success or failure of such a program; and

WHEREAS, the Director of the Mental Health Department of Alabama, has pledged that his department will make every effort to give such a program a fair and impartial trial by cooperating with the farmers and making every effort to see that meal planning is altered to include as much fresh, homegrown produce and other foods as possible that will be purchased through local farmers' cooperatives; and

WHEREAS, the Mental Health Department also would closely monitor said program for the purpose of providing the Alabama Legislature with a full report as to the success or failure of such a plan and with recommendations to implement the program on a permanent basis should it prove successful to both the farmers and to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the Mental Health Department of the State of Alabama to implement a pilot program to operate August 1, 1979, through November, 1979, in Tuscaloosa County, through which all state supported institutions in said county will purchase homegrown foods directly from Alabama farmers.

BE IT FURTHER RESOLVED, That the Director of the

Mental Health Department closely monitor said program and report his findings to the Legislature prior to the tenth day of the 1980 Regular Session with recommendations for implementing such a plan on a permanent basis should the above mentioned pilot program prove beneficial to all concerned.

RESOLVED FURTHER, That a copy of this resolution be sent to the Director of the Mental Health Department of Alabama and a copy to Mr. Charles Norton, Director of the Agricultural Marketing Project, Tuscaloosa, Alabama.

Approved June 19, 1979.

Time: 9:05 A.M.

Act No. 79-216

S. 339—Martin

AN ACT

To provide for supplemental expense allowances for the district attorney and district judge of the 36th judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the 36th judicial circuit shall be entitled to a supplemental allowance, paid from the county treasury of the county composing such judicial circuit, in a sum equal to the supplemental allowance paid from county funds to the district attorney of the eighth judicial circuit.

Section 2. The district judge of the 36th judicial circuit shall be entitled to a supplemental expense allowance, paid from the county treasury of the county composing such judicial circuit, in a sum equal to the supplemental allowance paid from county funds to the district judge of the eighth judicial circuit.

Section 3. Such supplemental allowances shall be in lieu of any other supplemental allowances paid by the county, and shall be paid in the same manner that supplemental allowances for those offices in the eighth judicial circuit are paid.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 19, 1979.

Time: 9:10 A.M.

Act No. 79-217

H.J.R. 148—Gafford

HOUSE JOINT RESOLUTION

URGING THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE PRESIDENT AND THE ALABAMA CONGRESSIONAL DELEGATION TO TAKE ALL NECESSARY STEPS TO RETAIN AMTRAK PASSENGER TRAIN SERVICE IN ALABAMA.

WHEREAS, passenger train service through the State of Alabama is currently provided by the Floridian and the Crescent, both of which operate under the auspices of AMTRAK with operation of said passenger train service scheduled through October, 1979; and

WHEREAS, in July, 1979, studies are to be made that will determine schedules and services of AMTRAK lines for the next three years; and

WHEREAS, the State of Alabama shares with its 49 sister states the dilemma imposed upon us by the current energy crisis; and

WHEREAS, availability of passenger train service will greatly determine our citizens' ability to Cooperate with the Administration in conserving gasoline and the degree to which Alabamians can answer the pleas of our President obviously will be greatly hampered if AMTRAK passenger service should no longer be available to our citizens; and

WHEREAS, in this time of crisis, it is mandatory that AMTRAK's passenger train service continue through Alabama to the cities served by the Floridian and by the Crescent; the Alabama Legislature recognizes that mass transportation available to all is crucial at this time with the public's future need for more mass transportation service, not less; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most urgently request the United States Department of Transportation, the President of the United States, and all members of the Alabama Congressional Delegation to take all necessary steps to see that AMTRAK continues the schedules of the Floridian and the Crescent as they currently operate through Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter, to the Director of the U. S. Department of Transportation and to each member of the Alabama Congressional Delegation in Washington, D. C.

Approved June 19, 1979.

Time: 9:05 A.M.

Act No. 79-218 H.J.R. 158—Grouby, Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Carter, Cheatwood, Cobb, Cosby, Crow, Dial Dixon, Edwards, Gilmer, Goodwin, Greer, Gregg, Hall, Hammett, Harper, Harvey, Johnson (R.G.), Laird, Langford, McKee, Minus, Mitchell, Moore, Olive, Parker, Payne, Pegues, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Ward, Whatley, Willis

HOUSE JOINT RESOLUTION

ENCOURAGING THE PRESIDENT OF THE UNITED STATES, THE ALABAMA CONGRESSIONAL DELEGATION, THE SECRETARY OF AGRICULTURE, AND THE SECRETARY OF ENERGY TO PROMOTE AND ADOPT A NATIONAL POLICY OF A BUSHEL OF WHEAT FOR A BARREL OF OIL.

WHEREAS, the United States is heavily dependent on foreign oil to maintain its agricultural and industrial growth; and

WHEREAS, the citizens of our country are also dependent on foreign oil producing countries for their transportation and energy needs; and

WHEREAS, the United States shares its agricultural surpluses with the countries which are now organized to capitalize on our nation's oil shortage; and

WHEREAS, the United States has not exploited the food shortage in these oil producing countries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wholeheartedly, and of one accord, encourage the President of the United States, the Alabama Congressional Delegation, the Secretary of Agriculture, and the Secretary of Energy to promote and adopt the equitable national policy of a bushel of wheat for a barrel of oil.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each of the above named persons.

Approved June 19, 1979.

Time: 9:10 A.M.

Act No. 79-219

H.J.R. 189—Smith (C)

HOUSE JOINT RESOLUTION

CREATING A SELECT JOINT COMMITTEE TO STUDY THE IMPORTATION OF ILLEGAL DRUGS INTO ALABAMA.

WHEREAS, the Legislature of Alabama, in its awareness that extraordinary performance of duty indeed mandates high praise and appreciation, today notes with admiration and esteem the superior actions of law enforcement personnel in Montgomery, Foley and Eufaula, Alabama, who have played significant and courageous roles in the confiscation of an inordinate amount of illegal drugs being flown in and otherwise transported into the state; and

WHEREAS, the Legislature wisely recognizes a need for immediate and positive action in arresting the flow of illegal drugs into Alabama; and

WHEREAS, it would be time well spent for the Alabama Legislature to have a select committee study the tremendous and alarming problem of such illegal drugs infiltrating this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to study the importation of illegal drugs into Alabama, especially around airport areas. Such committee shall be composed of three members of the House of Representatives to be appointed by the Speaker of the House, and three members of the Senate to be appointed by the President of the Senate. It shall be the duty of the committee to study the problems of how illegal drugs are being brought into Alabama, and report its findings to the Legislature no later than the 25th legislative day of the current 1979 Regular Session.

Approved June 19, 1979.

Time: 9:05 A.M.

Act No. 79-220 H.J.R. 199—Manley, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Lewis, McCorquodale, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

EXPRESSING THE APPRECIATION OF THE LEGISLATURE FOR THE DECATUR AREA HOSPITALITY.

WHEREAS, members of the Legislature and other guests were most graciously entertained, this past weekend, by the Decatur area delegation and other fine citizens of that area of our state; and

WHEREAS, not only did the trip serve to inform and enlighten as to the many contributions of the Decatur region to the State of Alabama in all areas, but to entertain as well with many festivities scheduled including a trip to Opryland in Nashville, Tennessee; and

WHEREAS, those unfamiliar with the friendliness and warmth of the citizens of Decatur were soon to know that famous Southern Hospitality, Alabama style, begins, and is served in generous portions, just South of our Northern boundary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our sincere thanks to all members of the Decatur area delegation and to all those individuals and groups responsible for the many courtesies extended to the members of this body, during a memorable week of warm hospitality.

BE IT FURTHER RESOLVED, That the members of the Decatur area delegation receive copies of this resolution as evidence of our sincere appreciation for their kindness, and that a copy also be sent to *The Decatur Daily*.

Approved June 19, 1979.

Time: 9:00 A.M.

Act No. 79-221

H.J.R. 200—Manley

HOUSE JOINT RESOLUTION

INVITING MR. DOUGLAS ADAIR TO PARTICIPATE IN FLAG DAY CEREMONIES TO BE HELD IN THE HOUSE CHAMBER ON JUNE 14, 1979.

WHEREAS, on June 14, nationally designated as Flag Day, Americans throughout our land will again pay renewed tribute to our precious flag and its symbolism of our glorious heritage in this 203rd year of our Republic; and

WHEREAS, our friend and colleague, George G. Seibels, Jr., who is a Life Member of the American Legion, has arranged for a ceremony to take place in the House Chamber at 11:00 a.m. on Thursday, June 14, 1979, at which time Colors will be presented; and

WHEREAS, we hopefully anticipate that, at that time, Mr. Douglas Adair, two-time state champion of the annual American Legion Oratorical Contest, will be so kind as to deliver his winning message on the United States Constitution to members of the Legislature and other guests gathered for the occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most cordially invite Mr. Douglas Adair to participate in our Flag Day Ceremony on June 14, 1979, at 11:00 a.m., in the House Chamber.

BE IT FURTHER RESOLVED, That Mr. Adair be notified, by copy of this resolution, of our request and that we eagerly anticipate this opportunity to hear his stirring and

inspiring message during our patriotic observance of Flag Day in America.

Approved June 19, 1979.

Time: 9:00 A.M.

Act No. 79-222

H.J.R. 201—Biddle, Waggoner

HOUSE JOINT RESOLUTION

TO COMMEND COACH GENE BARTOW ON THE ANNIVERSARY OF HIS SECOND YEAR AT THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

WHEREAS on May 4, 1977 the Senate and House of the State of Alabama adopted Senate Joint Resolution No. 350, which encouraged The University of Alabama in Birmingham to consider fielding a major college basketball team; and

WHEREAS the University officials acted swiftly to comply with the sense of said resolution; and

WHEREAS on June 14, 1977 The University of Alabama in Birmingham shocked the athletic world in naming Coach B. Gene Bartow, Head Basketball Coach at UCLA, as Athletic Director and Head Basketball Coach at The University of Alabama in Birmingham; and

WHEREAS in October 1977 UAB was admitted to the prestigious Sun Belt Conference; and

WHEREAS on November 24, 1978 The University of Alabama in Birmingham started its first basketball season in the beautiful, spacious Birmingham-Jefferson County Civic Center Coliseum, now the home of the UAB Blazers and basketball tournament site for the Southeastern Conference; and

WHEREAS the opening game of the 1978-79 season was with nationally-ranked University of Nebraska; and

WHEREAS UAB closed its season with nationally-ranked DePaul; and

WHEREAS DePaul finished in the final four of the NCAA basketball tournament; and

WHEREAS UAB completed its first season with 15 wins and 11 losses, a schedule which included five teams that participated in the 1978-79 NCAA tournament; and

WHEREAS UAB home attendance led the Sun Belt Conference; and

WHEREAS local support via the Golden 100 Club exceeded private support of all Sun Belt Conference memberships;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislature of Alabama congratulates The University of Alabama in Birmingham and Coach Gene Bartow for an outstanding beginning of what is anticipated to be the first milestone in achieving the national title for Birmingham, Alabama.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Coach Gene Bartow.

Approved June 19, 1979.

Time: 9:00 A.M.

Act No. 79-223 H.J.R. 202—Gafford, McCorquodale,
 Adams (C), Adams (H),
 Albright, Bedsole, Biddle, Blake,
 Brakefield, Cabaniss, Campbell,
 Carter, Cheatwood, Cosby,
 Crow, Daniels, Dixon,
 Drinkard, Edwards, Gilmer,
 Grimsley, Grouby, Hall,
 Harrison, Harvey, Horn,
 Johnson (R.G), Johnson (Roy),
 Kelley, Langford, McKee,
 Manley, Minus, Mitchell, Moore,
 Naramore, Olive, Owens, Parker,
 Patton, Payne, Penry, Roberts,
 Sasser, Seibels, Shoemaker,
 Smith (C), Smith (J), Starkey,
 Stewart, Turnham, Waggoner,
 Warren, Williams, Willis

HOUSE JOINT RESOLUTION

EXTENDING THE APPRECIATION OF THE ALABAMA LEGISLATURE TO THE HONORABLE LAMAR ALEXANDER, GOVERNOR OF THE STATE OF TENNESSEE.

WHEREAS, members of the Alabama Legislature, on a recent visit to Opryland in Nashville, Tennessee, were honored to be personally welcomed to the Volunteer State by the Honorable Lamar Alexander, Governor of the State of Tennessee; and

WHEREAS, in light of his immense responsibilities and numerous official commitments as Chief Executive of our sister state to the North, Governor Alexander was more than kind to interrupt a rigorous schedule to so warmly and graciously welcome us to Tennessee, his hospitality equalled only by the beauty of his state and the friendliness of all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our sincere thanks to Governor Lamar Alexander of Tennessee and express our deep gratitude for his kind thoughtfulness to us all.

BE IT FURTHER RESOLVED, That the Clerk of the House is hereby directed to forward a copy of this resolution to Governor Alexander that he may know of our appreciation, praise and esteem, and of our sincere wish to soon have an opportunity to welcome him as a visitor to the State of Alabama.

Approved June 19, 1979.

Time: 9:00 A.M.

Act No. 79-224

H.J.R. 204—Trammell

HOUSE JOINT RESOLUTION

NAMING THE ROAD FROM COUNTY ROAD 129 TO MINOR HIGH SCHOOL, IN JEFFERSON COUNTY, THE "CHRISS DOSS ROAD."

WHEREAS, Mr. Chriss H. Doss is a former member of the Alabama Legislature who represented District 14, Jefferson County, in the House of Representatives from 1971 to 1975; and

WHEREAS, in his capacity as a county engineer, Mr. Doss was instrumental in the construction of a road which leads from County Road 129, also known as the Minor Cut-off, to Minor High School; and

WHEREAS, his efforts on their behalf are deeply appreciated by the faculty of Minor High School, members of the Minor PTA, the students of Minor High and by many other citizens of that area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the road in Jefferson County that leads from County Road 129 to Minor High School, the "Chriss Doss Road."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said road.

RESOLVED FURTHER, That Mr. Doss receive a copy of this resolution as a memento of this honorary designation.

Approved June 19, 1979.

Time: 9:00 A.M.

Act No. 79-225

H. 109—Smith (C), Moore, Amari,
Waggoner, Bennett, Horn

AN ACT

To amend Sections 1 through 18 of Chapter 16 of the Code of Alabama 1975, relating to the University of Montevallo, so as to provide further for the board of trustees and for the operation of the university.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 16-54-1 through 16-54-18, Code of Alabama 1975, relating to the University of Montevallo, are hereby amended to read as follows:

“§ 16-54-1. The school heretofore established at Montevallo as the Alabama Girls' Industrial School, subsequently known as and called the Alabama Girls' Technical Institute, later known as and called the Alabama Technical Institute and College for Women and still later known as and called Alabama College is and shall remain a body corporate under the corporate name of University of Montevallo, and by that name may sue and contract, acquire and hold real and personal property and have and exercise all the powers of a corporation established to be a state educational institution of higher learning and shall succeed to all the rights, privileges, emoluments, benefits, interests and titles heretofore at any time vested in said institution in its respective names. None of the powers, authority or functions of the corporation provided for in this chapter shall be abated or impaired by this section. Only the name of the institution shall be changed by this section. Whenever such institution is referred to in the Constitution and in the laws of Alabama by any one of the respective names by which it has been known, the same shall be considered to refer to University of Montevallo.

“§ 16-54-2. The University of Montevallo shall be governed by a board of trustees composed of the governor, who shall be president, ex officio, the superintendent of education, ex officio, and eleven other trustees (one from each congressional dis-

trict and, until as otherwise herein provided, a number of trustees from the state-at-large sufficient to bring the number to or keep it at eleven.) Five members of the board shall constitute a quorum. Trustees shall be appointed for a term of 12 years. In case of the creation and establishment of an additional congressional district in the state, the at-large trustee most recently appointed shall automatically cease to be a trustee from the state-at-large and become for the remainder of the term trustee for such new district. Otherwise, all new appointees, except for the state-at-large, shall be at the time of their appointment, residents of the district for which they are appointed, respectively. All appointments of trustees shall be made by the governor with the advice and consent of the senate. In case of a vacancy in the office of trustee, the governor shall appoint a successor, who shall hold office till the next meeting of the legislature, when the governor, by and with the advice and consent of the senate, shall appoint a trustee, who shall hold office for the unexpired term. A trustee shall be ineligible to be elected by the board of trustees to or otherwise hold any office of the institution where compensation is provided. The trustees are entitled to receive payment of their actual expenses incurred in the discharge of their duties as such trustees.

"§ 16-54-3. The University of Montevallo is established generally for the purpose of giving therein instructions in the liberal arts and sciences and in technical and professional subjects suitable for both men and women. To that end, departments or subjects of instruction may be established from time to time by the trustees upon the recommendation of the president in accord with the provisions of Section 16-5-6 Code of Alabama, 1975.

"The overriding mission of the University of Montevallo, unique in Alabama higher education, is to provide to students from throughout the state an affordable, geographically accessible, 'small college' public higher educational experience of high quality with a strong emphasis on undergraduate liberal studies and with professional programs supported by a broad base of arts and sciences, designed for their intellectual and personal growth in pursuit of meaningful employment and responsible, informed citizenship.

"Growing out of that mission and inherent in it are a number of on-going goals which the trustees from time to time may affirm on the basis of recommendations of the president.

"The annual objectives of the institution, determined by the president, shall be consistent with the on-going goals and mission of the institution.

"§ 16-54-4. On the advice of the faculty, and with the approval of the trustees, the president may grant and confer diplomas, certificates or degrees (including honorary degrees) upon such students or persons as may be entitled thereto under the rules adopted by the trustees governing this subject.

"§ 16-54-5. The trustees shall elect a president for a term to be fixed by them, who shall not be removed during the term for which he or she is elected, except for just cause, which shall be explicitly set forth in writing in the minutes of the proceedings of the trustees and approved by a majority of all the trustees. No person shall be eligible to the office of president unless he or she is a graduate of some college or university of well known high standing, an educator by profession, of good moral character and possessing good business and administrative qualifications. The trustees shall fix the compensation of the president, including such emoluments and prerequisites necessary to carry out the functions of the office.

"§ 16-54-6. The president, with the advice and consent of the trustees, shall appoint and fix the compensation for all faculty, including professors, associate professors, assistant professors, instructors and other necessary teachers, and all staff, including professional and nonprofessional staff. The president, academic vice-president, professors, associate professors, assistant professors and instructors shall compose the faculty of the institution. Policies and procedures governing the employment, dismissal, promotion and disciplining of university faculty and staff shall be determined by the trustees.

"§ 16-54-7. The trustees of the university shall elect a secretary, who shall hold office for the term and receive such compensation as may be fixed by the trustees and shall perform such services as may be required of him or her. The president of the institution may serve in this position at the pleasure of the trustees.

"§ 16-54-8. The trustees shall elect a treasurer, who shall not be a trustee, who shall receive, hold and pay out all moneys belonging to the university or that may be paid in for the necessary expenses of students in the university or for their use and benefit, and the treasurer shall hold office for the term and receive such compensation as may be fixed by the trustees. Before entering upon the duties of the office, the treasurer must give bond in such penalty as the trustees may fix, payable to the University of Montevallo, with conditions that he or she will faithfully receive, safely keep and lawfully pay out, and promptly, fully and fairly account for all moneys or choses in action which may come to him or her by virtue of the office, and the trustees may require a new bond, or an additional bond, whenever they judge that the interest of the

university requires it. The business manager or chief financial officer by whatever name appointed by the president may serve in this position at the pleasure of the trustees.

"§ 16-54-9. Whenever the funds in the hands of the treasurer or funds about to be received by the office are in danger of being lost, the trustees or president may remove the treasurer from office and take all funds and choses in action belonging to the university or any student therein, and may, in that event, appoint a temporary custodian with bond or security to hold such funds.

"§ 16-54-10. The secretary, the treasurer and all other officers, agents or servants of the university who are required to keep, use or dispose of any property of the university shall keep accounts of their transactions in books to be furnished them by the trustees, which shall at all times be open to the inspection and examination of the president, the trustees or anyone appointed by the trustees thereto; and any person withholding such book or books belonging to the university from the inspection of any officer entitled to examine the same shall be immediately removed from his office or employment by the president or trustees.

"§ 16-54-11. Any person residing in Alabama, of good character, good health and of sufficient physical, and mental development to support the assumption of success in his or her course of study, to be judged by the president or a designee, who shall comply with all the requirements prescribed by the trustees, may be admitted into the university and, upon completing the course of study prescribed at the time of his or her admission, to the satisfaction of the faculty, shall receive the certificate, diploma or degree he or she may have earned. Whenever the accommodations of the university are sufficient to admit more students than apply and are accepted from Alabama, then students from other states or countries may be received and instructed in the university upon such terms and conditions as may be imposed by the president or trustees.

"§ 16-54-12. The property of the university, of every kind and description, shall forever be exempt from all taxes, municipal, county or state, and from all local assessments. All employees are exempt from the payment of town licenses for their labor while working for this institution.

"§ 16-54-13. As far as may be practicable, students in the university may be employed in giving assistance in any department of work of the university to enable them to obtain instruction therein, but students shall be employed only in cases and to the extent that they may be able to render efficient service without injury to themselves or to the university.

"§ 16-54-14. All rights of property and action which may have accrued to the university before October 1, 1927 are confirmed and preserved, including the right to permit alumni and friends to establish such corporate entities as an alumni association and a University of Montevallo Foundation, which may be staffed by and housed at the university, and no grant or gift of any valuable thing or right shall fail by reason of a mistake in the name of this corporation or college; provided, that the intention to grant or give to the institute may be derived from the words used in designating the beneficiary or grantee. All rights, powers and remedies granted in and by an act to create and establish an industrial school in the state of Alabama, approved February 21, 1893, and any act amendatory thereof, are confirmed and preserved for the University of Montevallo.

"§ 16-54-15. Whenever the University of Montevallo needs any land or interest therein near the university for its purposes; and the owner thereof is a minor or an insane person, or refuses to sell the land to the state for the use of the university, or will not agree with the board of trustees or the president on a price therefor, the trustees shall have authority to institute in the probate court of Shelby county proceedings in the name of the state of Alabama, to condemn such land, which proceedings shall be conducted as nearly as may be possible in accordance with the provisions of chapter 1 of Title 18. It shall be the duty of the trustees to pay out of the funds of the university all costs of every condemnation proceeding instituted by them under the power hereby conferred.

"§ 16-54-16. The lands now owned by the University of Montevallo or granted by the United States or by the congress of the United States to the state of Alabama for the use of this insitution, shall be leased, sold, conveyed or disposed of only by the board of trustees; provided, that the board of trustees may delegate to its executive committee of three or more of its members the right and power to lease or sell any of said lands, and when any lease or sale shall have been made as herein provided, the governor, upon request of the board of trustees, or its executive committee, as the case may be, shall execute contracts of lease or deeds of conveyance as may have been agreed on between the board or its executive committee and the lessee or purchaser. All the proceeds arising from the sale, rental or lease of these and any other lands owned by the university, or any of the rights thereunto pertaining, shall be paid into the treasury of the state and kept in a separate account for the use of the university, subject to withdrawal as provided hereafter, and upon which there shall be paid to the college interest at the rate of six percent per annum on such funds therein deposited prior to January 1, 1979, it being the

purpose and intent of the state of Alabama to execute in good faith the trust reposed in it by congress when granting the lands to the state for the benefit of the institution.

“§ 16-54-17. The proceeds of all lands sold or leased by the University of Montevallo, or income therefrom, shall be paid into a separate account in the treasury of the state and disbursed to the University of Montevallo as requested and when requested by the university. The university, out of the money appropriated by the state legislature for its maintenance, shall pay all the expenses of caring for, protecting and selling the lands.

“§ 16-54-18. On the last day of every quarter, the treasurer of the state shall pay to the treasurer of the University of Montevallo, upon the order of the president of the institution, interest at the rate of six percent per annum, on the whole amount of the fund in the treasury at the close of every quarter, arising from the sale of lands or any of the rights thereunto pertaining, and upon every sum paid into the treasury before the current quarter upon which interest has never been paid; it being the purpose and intent of the state of Alabama to execute in good faith the trust reposed in it by congress when granting the lands to the state for the benefit of the institution and to preserve the proceeds arising from the leases or sales of the lands of the institution so granted by congress as a fund forever and to pay the interest thereon for the support and maintenance of the institution.”

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved June 19, 1979.

Time: 9:10 A.M.

Act No. 79-226 H.J.R. 205—Holmes, Horn, Jackson, Harrison
Langford, Howard, Buskey,
Hilliard, Reed

HOUSE JOINT RESOLUTION COMMENDING GOVERNOR FOB JAMES.

WHEREAS, various organizations conducted peaceful marches through downtown Decatur, Alabama, on June 9, 1979; and

WHEREAS, cognizant that safety must be insured for those individuals exercising their right of freedom of assembly, guaranteed by the Constitution of the United States, Governor Fob James arranged for the presence of hundreds of Alabama State Troopers and National Guardsmen in the Decatur area to prevent or quell any incidents of violence; and

WHEREAS, as a result of the Governor's foresight both the marchers and citizens alike were protected and said marches took place without disruption or disturbance of any kind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Governor Fob James for insuring the safety of all during the June 9, 1979, marches in Decatur, Alabama.

BE IT FURTHER RESOLVED, That Governor James receive a copy of this resolution as a token of appreciation and in praise.

This Act became a law under Section 125 of the Constitution on June 20, 1979 without approval by the Governor.

Act No. 79-227

H. 85—Pegues, Waggoner, Lewis

AN ACT

To amend Section 41-16-100 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-16-100 of the Code of Alabama 1975 is hereby amended to read as follows:

(a) All contracts made by, or on behalf of, the State of Alabama, or any department, board, bureau, commission, institution, corporation or agency thereof, of whatever nature for the sale or disposal of tangible personal property or standing timber owned by the State of Alabama, other than (1) alcoholic beverages, (2) products of the Alabama Institute for Deaf and Blind, (3) barter arrangements of the state prison system, (4) books, (5) school supplies, (6) food, (7) property used in vocational projects, (8) property owned by any state college or university not under the control of the Board of Education of the State of Alabama, which has trade-in value which may be credited against the cost of replacement property purchased in accordance with the Alabama Competitive Bid Laws, and (9) types of property, the disposal of which

is otherwise provided for by law or which, by nature, are incapable of sale by auction or bid, shall be let by free and open competitive public auction or sealed bids.

(b) Every proposal to make a sale covered by this article shall be advertised for at least two weeks in advance of the date fixed for receiving bids. Such advertisement shall appear at least once a week for two consecutive weeks in a newspaper of general circulation in the county where the sale is to be made, and a copy of such proposal shall simultaneously be posted on a readily accessible public bulletin board at the main office of the state finance director. Advertisements for bids shall state the item or items to be sold, by class and description, where the property is located and the dates, time and place the property may be inspected. The advertisements shall further state the date, time and place of auction or opening of sealed bids, and no bid shall be received at any time after the time advertised.

(c) The bids shall be publicly taken or opened, in case of sealed bids, by the state finance director or his authorized representative, and all bidders shall be entitled to be present in person or by representative.

(d) The award of the contract shall be made to the successful bidder within 72 hours after taking of the bids, unless the awarding authority, by formal action, provides for a reasonable extension of that period.

(e) The bid of the successful bidder so marked, as well as the bids of the unsuccessful bidders in the case of sealed bids, shall be placed on file open to public inspection and shall become matters of public record.

(f) Upon written request, the state finance director shall furnish to any person a description of the article or articles to be sold together with a statement as to the terms of the proposed sale and, in addition if the request specifies, the director shall furnish the same information to such person making such request with respect to all future sales of articles of the same class.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1979.

Time: 5:00 P.M.

AN ACT

Relating to Washington County; creating the Mowah Band of the Choctaw Indian Commission; providing for its duties and membership; prescribing the composition and terms of office of the members of said commission; and repealing all laws or parts of laws conflicting with this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in Washington County a commission to be known as the Mowah Band of the Choctaw Indian Commission of Washington County, Alabama, hereinafter referred to as the "commission."

Section 2. The purpose of this commission shall be to deal fairly and effectively with Indian affairs to bring local, state, and federal resources into focus for the implementation or continuation of meaningful programs for Indian citizens of Washington County; to provide aid and protection for the Indians as needs are demonstrated; to prevent undue hardships; to assist Indian communities in social and economic development; and to promote recognition of the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to Native Americans.

Section 3. It shall be the duty of the commission to study, consider, accumulate, compile, assemble and disseminate information on any aspect of Indian affairs; to investigate relief needs of Indians of Washington County and to provide technical assistance in the preparation of plans for the alleviation of such needs; to confer with appropriate officials of local, state, and federal governments and agencies of those concerned with Indian affairs to encourage and implement coordination of applicable resources to meet the needs of Indians in Washington County; to cooperate with and secure the assistance of the local, state and federal governments or any agencies thereof in formulating any such programs, and to coordinate such programs with any program regarding Indian affairs adopted or planned by the federal government to the end that the commission may secure the full benefit of such programs, provided, however, that such commission is hereby authorized to directly seek and receive from the federal government any grants, funds or other benefits which may be available for Indians; to review all proposed or pending legislation, and amendments to existing state legislation affecting Indians in Alabama; to conduct public hearings on matters relating to Indian affairs and to subpoena any information or documents deemed necessary by the commission; to study the existing status of recognition of all Indian groups, tribes, and communities presently existing in the

state of Alabama, and to establish appropriate procedures to provide for legal recognition by the state, and to initiate procedures for their recognition by the federal government; to employ and fix the compensation of an executive director of the commission and such supporting staff as may be required to carry out the responsibility of the commission; to expend funds in compliance with state regulations; to make legislative recommendations; and, to make and publish reports of findings and recommendations.

Section 4. (a) The commission shall be composed of seven members, five of whom shall be Choctaw Indians residing in Washington County. The two additional members may or may not be Choctaw Indians but such members must be residents of said county. All members of the commission shall be elected by the Choctaw Indians of Washington County and shall serve four-year terms of office.

(b) All members of said commission shall hold their offices until their successors are nominated and qualified. Any vacancy occurring on the commission shall be filled with temporary appointment by the Washington County Commission until the vacant seat on said commission is filled. The Washington County Commission shall appoint a chairman of the commission from among the members of the commission, subject to ratification by the full commission. The commission shall elect its own secretary.

Section 5. The commission may, subject to county or other funds that would accrue to the commission, employ an executive director, and also subject to county or other funds that would accrue to the commission, may hire additional staff and consultants to assist in the discharge of members' responsibilities, as determined by the commission. The executive director shall not be a member of the commission, and shall be of Indian extraction.

Section 6. (a) The commission shall meet quarterly, and at any other such time that it shall deem necessary. Meetings may be called by the chairman or by a petition signed by a majority of the members of the commission. Ten days notice shall be given in writing prior to the meeting date.

(b) Five members of the commission must be present to constitute a quorum.

(c) Proxy vote shall not be permitted.

Section 7. The commission shall prepare a written annual report giving an account of its proceedings, transactions, findings and recommendations. This report shall be submitted to the Washington County Commission, and the secretary of the

Mowah Band of the Choctaw Indians of Washington County. The report will become a matter of public record and will be maintained in the State Department of Archives and History. It may also be furnished to such other persons or agencies as the commission may deem proper.

Section 8. (a) Fiscal records shall be kept by the executive director or his designee, if applicable, otherwise by the commission chairman and will be subject to annual audit by the State Examiner of Public Accounts. The audit report will become a part of the annual report and will be submitted in accordance with the regulations governing preparation and submission of the annual report.

(b) Commission members or employees of the commission who are responsible for receiving and disbursing commission funds shall be bonded in an amount satisfactory to the commission, but not less than \$50,000.00.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid, or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1979

Time: 5:00 P.M.

Act No. 79-229

H. 657—Reed

AN ACT

Relating to the City of Tuskegee in Macon County; providing that the City of Tuskegee shall have the authority, after notice as provided, to declare noxious or dangerous weeds growing upon the streets or sidewalks or private property within the City of Tuskegee to be a public nuisance, and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Be It Enacted by the Legislature of Alabama:

Section 1. All weeds growing upon the streets or sidewalks or upon private property within the City of Tuskegee which bear seeds of a wingy or downy nature or attain such a large growth as to become a fire menace when dry, or which are

otherwise noxious or dangerous may be declared to be a public nuisance by the governing body of any such municipality, and thereafter abated as in this act provided.

Section 2. Whenever any such weeds are growing upon any streets or sidewalks or private property the governing body of the City of Tuskegee may, by resolution, declare the same to be a public nuisance. Said resolution shall refer to the street by the name under which it is commonly known, and describe the property upon which or in front of which said nuisance exists by giving a legal description thereof: and no other description of said property shall be required. Any number of streets, sidewalks or parcels of private property, may be included in one and the same resolution.

Section 3. After the passage of said resolution, the City of Tuskegee shall give the person last assessing the property for state taxes notice by personally serving upon such person a copy of said notice to remove such weeds within a reasonable time. In the event that such personal service is returned "not found," such notice may be given by registered mail or certified mail. The mailing of such registered or certified mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Prior to the delivery or mailing of the notice as required by the immediate preceding sentence, the city shall cause to be conspicuously posted in front of the property on which such nuisance exists, at not more than one hundred feet in distance apart, but not less than two in all, notices headed, "Notice to Destroy Weeds," such heading to be in words not less than one inch in height and substantially in the following form:

NOTICE TO DESTROY WEEDS

Notice is hereby given that on the day of
19 , the City of Tuskegee passed a resolution declaring that
noxious or dangerous weeds were growing upon or in front
of the property on street, in said
and more particularly described in said resolution, and that
the same constitute a public nuisance which must be abated
by the removal of said noxious or dangerous weeds, otherwise
they will be removed and the nuisance will be abated by the
municipal authorities, in which case the cost of such removal
shall be assessed upon the lots and lands from which or in
front of which such weeds are removed, and such cost will
constitute a lien upon such lots or lands until paid. Reference
is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the City Council of the said City of Tuskegee to be

held _____, when their objections will be heard and given due consideration.

Dated this _____ day of _____ 19 .

CITY OF TUSKEGEE

BY _____
City Clerk

Said notices shall be posted at least ten days prior to the time for hearing objections by the governing body of the municipality.

Section 4. At the time stated in the notices, the governing body of the municipality shall hear and consider all objections or protests, if any, to the proposed removal of weeds, and may continue the hearing from time to time. Upon the conclusion of said hearing the governing body, by motion or resolution shall allow or overrule any or all objections, and if the objections are overruled with respect to any piece of property described the governing body shall be deemed to have acquired jurisdiction to proceed and perform the work of removal with respect to such piece of property, and the decision of the governing body on the matter shall be deemed final and conclusive.

Section 5. After final action has been taken by the governing body on the overruling of any protests or objections with respect to any described piece of property, or in case no protests or objections have been received, the City Council of the City of Tuskegee, by motion or resolution, shall order the abatement of said nuisance by having the weeds referred to removed, and all necessary employees of the City of Tuskegee are hereby expressly authorized to enter upon private property for that purpose. Any property owner shall have the right to have any such weeds removed at his own expense providing the same is done prior to the arrival of the employees of the City of Tuskegee to do the same.

Section 6. The City of Tuskegee shall keep an account of the cost of abating such nuisance in front of or on each separate lot or parcel of land where the work is done by it or its employees, and shall render an itemized report in writing to the City Council of the City of Tuskegee showing the cost of removing such on each separate lot, or in front of thereof, or both; provided that before said report is submitted to the City Council, copy of the same shall be posted for at least three days prior thereto on or near the door of City Hall, together with a notice of the time when said report shall be submitted to the City Council for confirmation.

Section 7. At the time fixed for receiving and considering said report, the City Council shall hear the same, together with any objections which may be raised by any property owners liable to be assessed for the work if abating said nuisance and thereupon make such notifications in the report as they deem necessary, after which by motion or resolution said report shall be confirmed. The amounts of the cost for abating nuisance in front of or upon the various parcels of land mentioned in said report shall constitute special assessments against the respective parcel of land and as thus made and confirmed shall constitute a lien on said property for the amount of such assessments, respectively. After confirmation of said report, a copy shall be turned over to the appropriate officials or employees of such county who are charged with the collection of taxes or assessments, whereupon it shall be the duty of said official or employee to add the amounts of the respective assessments to the next regular bills for taxes levied against the said respective lots and parcels of land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedures under foreclosure and sale in case of delinquency as provided for ordinary county taxes.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1979

Time: 5:00 P.M.

Act No. 79-230

H. 659—Reed

AN ACT

To authorize the establishment of branch banks in Macon County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, either incorporated or unincorporated, which is established in Macon County, shall have the power to establish, to maintain and to operate within the same

city or town or within other communities, one or more branches or branch banks, branch offices, branch agencies, additional offices or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking business, provided that such bank, before establishment of any such branch or branches, shall first secure the written consent of the state superintendent of banks or the comptroller of the currency, as the case may require.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1979

Time: 5:00 P.M.

Act No. 79-231

H. 660—Reed

AN ACT

Relating to the City of Tuskegee in Macon County; providing that the City of Tuskegee shall have the authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; providing for a hearing by the governing body if requested; authorizing that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and providing a method of collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Tuskegee shall have authority, after notice as provided herein, to move or demolish buildings and structures, or parts of buildings and structures, party walls and foundations when the same are found by the governing body of the city to be unsafe to the extent of being a public nuisance from any cause.

Section 2. The term "appropriate city official" as used in this Act shall mean any city official or city employee designated by the mayor or other chief executive officer of the city as the person to exercise the authority and perform the duties delegated by this Act to the "appropriate city official." Whenever the appropriate city official of the city shall find that any building, structure, part of building or structure, party

wall or foundation situated in such city is unsafe to the extent that it is a public nuisance, such official shall give the person or persons, firm, association or corporation last assessing the property for state taxes notice by personally serving upon such person, firm, association or corporation a copy of said notice to remedy the unsafe or dangerous condition of such building or structure, or to demolish the same, within a reasonable time set out in said notice, which time shall be not less than sixty days or suffer such building or structure to be demolished by the city and the cost thereof assessed against the property. In the event that such personal service is returned "Not Found" after not less than two attempts, such notice may be given by registered or certified mail. The mailing of such registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, prior to the delivery or mailing of the same as required by the immediately preceding sentence, shall also be posted at or within three feet of an entrance to the building or structure, provided that if there is no entrance such notice may be posted at any location upon such building or structure.

Section 3. Within the time specified in such notice, but not more than sixty days from the date such notice is given, any person, firm or corporation having an interest in such building or structure may file a written request for a hearing before the city governing body, together with his objections to the finding by the appropriate city official that such building or structure is unsafe to the extent of becoming a public nuisance. The filing of such request shall hold in abeyance any action on the finding of such city official until determination thereon is made by such governing body. Upon holding such hearing, which hearing shall be held not less than ten nor more than sixty days after such request, or in the event no hearing is timely requested, the governing body, after the expiration of sixty days from the date such notice is given, shall determine whether or not such building or structure is unsafe to the extent that it is a public nuisance. Notice of such meeting of the governing body, and that such determination will be made thereat, shall be published one time in a newspaper of general circulation in the city, not less than ten days prior thereto. In the event that it is determined by such governing body that such building or structure is unsafe to the extent that it is a public nuisance, the governing body shall order such building or structure to be demolished. Such demolition may be accomplished by the city by the use of its own forces, or it may provide by contract for such demolition. The city shall have authority to sell or otherwise dispose of salvaged materials resulting from such demolition.

Any person aggrieved by the decision of the governing body

at such hearing may, within thirty days thereafter, appeal to the Circuit Court upon filing with the clerk of said court notice of said appeal and bond for security of costs in the form and amount to be approved by the Circuit Clerk. Upon filing of said notice of appeal and approval of the bond, the clerk of the court shall serve a copy of said notice of appeal on the city clerk and said appeal shall be docketed in said court, and shall be a preferred case therein. The city clerk shall, upon receiving such notice, file with the Circuit Clerk a copy of the findings and determination of the governing body in proceedings, and trial shall be held without jury upon the determination of the governing body that such building or structure is unsafe to the extent that it is a public nuisance.

Section 4. Upon demolition of such building or structure, the appropriate city official shall make report to the governing body of the cost thereof, and such governing body shall adopt a resolution fixing the costs which it finds were reasonably incurred in such demolition and assessing the same against the property; provided, however, the proceeds of any monies received from the sale of salvaged materials from said building or structure shall be used or applied against the cost of the demolition; and provided, further, that any person, firm or corporation having an interest in said property may be heard at such meeting as to any objection he may have to the fixing of such costs or the amounts thereof. The city clerk of the city shall give not less than fifteen days notice of the meeting at which the fixing of such costs are to be considered by publication in a newspaper of general circulation in the city of a notice that the governing body of the city at such meeting will consider the fixing of such costs thereat. The fixing of said costs by the governing body shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and thus made and confirmed shall constitute a lien on said property for the amount of such assessment. Said lien shall be superior to all other liens on said property except liens for taxes, and shall continue in force until paid. The city clerk of the city shall mail a certified copy of the resolution by registered or certified mail to the person last assessing the property for taxes, and a certified copy of such resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of such resolution shall also be filed in the office of the Judge of Probate of the county in which such city is situated.

Section 5. The city shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the non-payment of taxes, and where any such assessment is made against such lot or lots, parcel or parcels of land, a subsequent

redemption thereof by any person authorized to redeem, or sale thereof by the State, shall not operate to discharge, or in any manner affect the lien of such city for such assessment, but any redemptioner or purchaser at any sale by the State of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the State for the non-payment of taxes, shall take the same subject to such assessment.

Section 6. Payment of any such assessment shall be made in the manner and as provided for the payment of municipal improvement assessments in the provisions of Section 11-48-48, Code of Alabama 1975, as the same has heretofore or may hereafter be amended, and upon the property owner's failure to pay such assessment the officer designated by the city to collect such assessments shall proceed to collect the assessment as provided in the provisions of Sections 11-48-48 through 11-48-53, Code of Alabama 1975.

Section 7. This Act shall be cumulative in its nature, and in addition to any and all power and authority which any such city may have under any other law.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the part that remains.

Section 9. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved June 21, 1979

Time: 5:00 P.M.

Act No. 79-232

H. 670—Crow

AN ACT

Relating to Calhoun County; to amend section 7 of Act No. 384, H. 946, Regular Session 1969 (Acts 1969, p. 754) relating to applicants for employment in the sheriff's department, so as to further provide for application procedures with the civil service board of Calhoun County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 384, H. 946, Regular Session 1969 (Acts 1969, p. 754) is hereby amended to read as follows:

"Section 7. All persons seeking employment with the sheriff's department of Calhoun County or who have been recommended for employment by the sheriff shall file their ap-

plications with the Civil Service Board of Calhoun County. Applications shall be on forms furnished by the board, and all applicants shall be subject to examination, which shall be public, competitive, and open to all citizens of the United States, with specified limitations as to age, residence, health, habits and moral character. Provided, however, that the board may, in its discretion, limit applicants for promotional examinations to those already employed by the County. Such examinations shall be practical in their character, and shall relate to those matters which shall fairly test the relative capacity of the persons examined to discharge intelligently the duties of the position to which they aspire. The board shall control all examinations, and whenever an examination is to take place shall conduct such examination or arrange for the examination to be conducted by an appropriate person or persons."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1979

Time: 5:00 P.M.

Act No. 79-233

H. 671—Crow

AN ACT

Relating to Calhoun County; to amend section 3 of Act No. 274, H. 990, Regular Session 1975 (Acts 1975, p. 809) which relates to the composition of the civil service board of Calhoun County, so as to further provide for membership in said board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 274, H. 990, Regular Session 1975 (Acts 1975, p. 809) is hereby amended to read as follows:

"Section 3. The Civil Service Board of Calhoun County, established by said Act No. 384 of the 1969 Regular Session will immediately after this act becomes a law be composed of five members, the three members currently serving when this act becomes a law and two additional members to be appointed, jointly, by all the members of the Alabama Legislature, serving when the term expires and residing in Calhoun County, for terms of six years; and each vacancy on such board occurring during a term will also be filled by members of the Alabama Legislature residing in Calhoun County at the time such vacancy is to be filled. Three members of the Calhoun County Civil Service Board shall constitute a quorum."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1979

Time: 5:00 P.M.

Act No. 79-234

S. 43—Mitchem, Miller, Kirkland

AN ACT

Relating to the membership of the State Board of Agriculture and Industries; to amend §§2-3-1 and 2-3-3 of Title 2 of the Code of Alabama 1975 to provide that the Administrative Head of Agriculture and Director of the Agricultural Experiment Station of Auburn University shall be a member of the State Board of Agriculture and Industries; that any ex officio member thereof may designate or appoint a member of his staff to attend meetings in his place and stead when such ex officio member cannot attend; and, to increase the per diem payable to appointive members to \$50.00 per day for attending meetings of said Board.

Be It Enacted by the Legislature of Alabama:

Section 1. §2-3-1 of the Code of Alabama 1975 is hereby amended to read as follows:

“§2-3-1. There shall be a state board of agriculture and industries composed of eleven members which shall consist of the governor as ex officio chairman, the commissioner of agriculture and industries, the director of the Cooperative extension service of Auburn University, the Administrative head of agriculture and director of the agricultural experiment station of Auburn University, four outstanding farmers and three outstanding leaders of Industry.”

Section 2. §2-3-3 of the Code of Alabama 1975 is hereby amended to read:

“§2-3-3. The state board of agriculture and industries shall hold its annual meetings each year at the office of the commissioner on the second Tuesday in November. Other regular meetings shall be held on the second Tuesdays in February, May and August. Special meetings may be held as the duties and business of the board may require. In case of the absence of the chairman, the board shall elect a temporary chairman. The rules generally adopted by deliberative bodies for their government shall be observed by the board. No motion or resolution shall be adopted without the concurrence of a majority of the whole board. The appointive members of the state board of agriculture and industries shall receive a per diem of \$50.00 per day, and their expenses incurred in attending meetings and

transacting the business of the board shall be paid as provided in article 2 of chapter 7 of Title 36 of this Code; provided, that they shall not draw such per diem for more than twenty days in any fiscal year. The ex officio or non-appointive members of the state board of agriculture and industries may designate or appoint any member of his staff to attend meetings of the board when such ex officio member is unable to attend and such staff member so designated shall have full power and authority to vote for and on behalf of such ex officio member on any question that may come before the board."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 21, 1979

Time: 5:05 P.M.

Act No. 79-235

H.J.R. 179—Manley

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Thursday, June 7, 1979, we adjourn to meet again on Tuesday, June 12, 1979; and when we adjourn on Tuesday, June 12, we adjourn to meet again on Thursday, June 14, 1979.

Approved June 21, 1979

Time: 5:05 P.M.

Act No. 79-236

H.J.R. 213—Biddle, Sasser

HOUSE JOINT RESOLUTION

URGING THE FEDERAL COMMUNICATIONS COMMISSION TO REJECT ANY PROPOSAL FOR REDUCED COVERAGE THAT WOULD ADVERSELY AFFECT WSM RADIO IN NASHVILLE, TENNESSEE, AND ITS BROADCAST OF THE GRAND OLE OPRY.

WHEREAS, The Grand Ole Opry is the nation's oldest, live, continuous radio program and, for 53 years, has provided listeners in some 34 states with authentic American music and humor that is such an integral part of our proud heritage; and

WHEREAS, each week, The Grand Ole Opry, broadcast over WSM Radio in Nashville, Tennessee, brings wholesome entertainment to millions of American Families; and

WHEREAS, the Federal Communications Commission is considering staff recommendations that would seriously reduce the coverage of the nation's clear channel radio stations and one such proposal, affecting WSM, would mean that those living or traveling more than 100 miles from Nashville, Tennessee, would no longer be able to hear the weekly broadcasts of The Grand Ole Opry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge the Federal Communications Commission to reject any and all reduced coverage proposals that would affect the clear channel status of WSM Radio in Nashville, Tennessee, thereby reducing coverage of its broadcast of The Grand Ole Opry.

BE IT FURTHER RESOLVED, That we wholeheartedly support H.R. 1913, now before the United State House of Representatives, that would keep the Opry in its present form for future generations.

RESOLVED FURTHER, That copies of this resolution be forwarded to the Secretary of the Federal Communications Commission in Washington, D.C., to each member of the Alabama Congressional Delegation, to Governor Lamar Alexander of Tennessee and to the officials of both The Grand Ole Opry and of WSM Radio in Nashville, Tennessee.

Approved June 21, 1979

Time: 5:05 P.M.

Act No. 79-237

H. 324—Owens

AN ACT

To make further appropriations of State Funds for the fiscal year ending September 30, 1979.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made from the State General Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1979, the following:

For transfer to the State Board of Corrections	
For salaries and other expenses	\$ 3,800,000
For transfer to the Medical Services Administration	
For medical assistance through the Medicaid Program	8,500,000
For the Office of the Attorney General	
For salaries and other expenses	500,000
For the State Legislature	
For salaries and other expenses of the Legislature	850,000
For transfer to the Alabama Travel Council	25,000
For the Department of Civil Defense	200,000
For transfer to the Alabama Historical Commission—For Restoration of the Capitol	1,300,000

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or by its otherwise becoming a law.

Approved June 21, 1979

Time: 5:05 P.M.

Actt No. 79-238

S. 29—Martin

AN ACT

To repeal Act No. 751, H. 233, 1977 Regular Session (Acts of 1977, p. 1290); now appearing in Code of Alabama 1975, Section 37-1-37.1, entitled "To remove all water works systems having 100 customers or less from regulation by the Public Service Commission."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 751, H. 233, 1977 Regular Session (Acts of 1977, p. 1290); now appearing in Code of Alabama 1975, Section 37-1-37.1, entitled "To remove all water works systems having 100 customers or less from the regulation by the Public Service Commission", is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1979

Time: 5:05 P.M.

AN ACT

Relating to the pension system established by Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 for the employees and officers of Jefferson County, Alabama (Ala. Acts, 1965, pp. 717-739), and relating especially to the payments Section 9 of said Act 497, as amended, requires the members thereof and the County to make to the pension fund established for the operation of the pensions system; to authorize the County Commission of Jefferson County, Alabama, to adopt rules providing that any member of the pension system may revoke any limitation which the member has elected to impose on the amount of his monthly salary which shall be considered for pension purposes, and providing that upon any member's revoking any such limitation his entire monthly salary shall be considered for pension purposes; to provide that such rules may provide for such revocation to apply retroactively; to provide that such rules shall prescribe the payments a member and the County shall make to the pension fund to effect such revocation; to provide that such rules may make such revocation apply retroactively; to provide that such rules shall state the extent to which a member's benefit from the pension system shall be increased as a consequence of such member's electing to become subject to the total salary proviso; and to provide that the County Commission shall be authorized to amend or repeal any such rule.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to Jefferson County, Alabama, and to no other County.

Section 2. As used in this Act, the following terms have the meanings here given them: "Act 497 of 1965" means Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, as amended (Ala. Acts, 1965, pp. 717-739; "the pension system" means the pension system Act 497 of 1965 established for officers and employees of Jefferson County, Alabama; member" means a member of the pension system; and "salary considered for pension purposes" means the member's salary, or part of the member's salary, from which Act 497 of 1965 provides that six percent (6%) shall be deducted and paid into the pension fund. The term "\$400 proviso" means the provision of Section 9 of Act 497 of 1965, as amended by Section 2 of Act No. 408 of the Regular Session of the Legislature of Alabama of 1967, according a member of the system, the right to elect that no part of the member's salary in excess of \$400.00 per month shall be salary considered for pension purposes. (Ala. Acts, 1967, pp 1037-1039). The terms "the \$800 proviso" means the provision of Section 9 of Act 497 of 1965, as amended by Section 2 of Act No. 408 of the Regular Session of the Legislature of Alabama of 1967, according a member of the system, the right to elect that no part of the member's salary in excess of \$800.00 per month shall be salary considered for pension purposes. (Ala. Acts, 1967, pp. 1037-1039) The term "the total salary proviso" means the provision of Section 9 of Act No. 497

of 1965, as amended by Section 2 of Act No. 408 of the Regular Session of the Legislature of Alabama of 1967 according a member of the system, the right to elect that all of the salary received by such member shall be salary considered for pension purposes. (Ala. Acts, 1967, pp. 1037-1039)

Section 3. After the effective date of this Act, the County Commission of Jefferson County, subject to the conditions stated in Section 4, below, shall be authorized to adopt rules providing the terms on which any member of the pension system subject to the \$400 proviso, or the \$800 proviso, may elect that the total salary proviso shall apply to him so that his entire salary shall be salary considered for pension purposes.

Such rules shall provide the amounts which the County and the member will be required to pay to the pension fund, as a condition to the total salary proviso becoming applicable to the member. Such rules shall require that the amount the member is required to pay shall be equal to the amount the County is required to pay and that the member's payments and the County's payments shall be made at the same time.

No rule providing for the total salary proviso to become applicable to a member's salary shall be adopted unless prior to the adoption of the rule the County Commission has obtained the written opinion of a competent actuary assuring that the sum of the payments the member and the County are to make to the pension fund, under the rule, will be sufficient to assure that the adoption and application of the rule will not have an adverse actuarial effect on the pension system.

The rules may provide for the total salary proviso to apply retroactively to a member in the active service of the County when the rule is adopted. No rule adopted hereunder shall apply to a member of the system who is not in the active service of the County when the rule is adopted.

Such rules shall provide the extent to which the benefits payable to a member by the system shall be increased as a consequence of the member's electing to become subject to the total salary proviso.

Section 4. The rules the County Commission adopts under this Act shall apply uniformly to all members of the system belonging to the same class.

The County Commission may repeal, or from time to time amend, any such rule.

Before adopting any such rule, or amending any such rule, the County Commission shall accord all interested persons an opportunity to be heard as regards the contemplated rule,

or contemplated amendment, following reasonable notice given by the said County Commission of the time and place whereat such hearing will be. After such hearing, or after the opportunity for such hearing has been accorded, the County Commission may adopt the contemplated rule, or contemplated amendment, with such changes therein as the Commission concludes should be made.

Section 5. This Act shall become effective on its approval by the Governor, or on its otherwise becoming a law.

Approved June 21, 1979

Time: 5:05 P.M.

Act No. 79-240

H.J.R. 219—Dixon

HOUSE JOINT RESOLUTION

EXPRESSING THE LEGISLATURE'S APPRECIATION
TO MRS. PAUL W. MILES.

WHEREAS, on June 14, 1979, during Flag Day ceremonies held in the House Chamber, members of the Alabama Legislature and guests stood proudly in patriotism as Mrs. Paul W. Miles so beautifully and stirringly sang our national anthem;

WHEREAS, Mary Clarke Miles, a native of Atlanta, Georgia, and now of Montgomery, is married to Montgomery insurance executive, Paul W. Miles; they are the parents of two lovely daughters, Rennie and Courtenay, and two fine young sons, Paul and Macon; and

WHEREAS, Mrs. Miles is a graduate of Hollins College in Virginia with additional studies at the Julliard School of Music summer program in Aspen, Colorado, and at the Chatom Opera Workshop held in Pittsburgh, Pennsylvania; she is the recipient of numerous major awards in music which speak for her outstanding God-given talent perfected through excellence of training, years of study and dedicated practice; and

WHEREAS, Mary Miles, who is a soloist at Trinity Presbyterian Church, has contributed immeasurably to the cultural and civic affairs of her adopted city; she is a director and officer of the Montgomery Chamber Music Society, a director of the Montgomery Music Study Club and has sung a number of leading roles with the Montgomery Opera Guild as well as singing for the pleasure of those confined to local nursing homes and hospitals; and

WHEREAS, she further has extended her activities to include involvement with many of the programs and projects of St. James School and also has served as Den Mother with the Boy Scout and Cub Scout programs in Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our deep gratitude to Mrs. Paul Miles for her participation in Flag Day ceremonies of the legislature; we further laud her deep involvement in the cultural, civic and charitable affairs of her community and direct that she receive a copy of this resolution in token of appreciation and in praise.

Approved June 21, 1979.

Time: 5:05 P.M.

Act No. 79-241

H. 37—Gafford

AN ACT

To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 30-2-55, Code of Alabama 1975, is hereby amended to read as follows:

“§ 30-2-55. Any decree of divorce for periodic payments of alimony shall be modified by the court to provide for the termination of such alimony upon petition of a party to the decree and proof that the spouse receiving such alimony has remarried or that such spouse is living openly or cohabiting with a member of the opposite sex. This provision shall be applicable to any person granted a decree of divorce either prior to April 28, 1978, or thereafter. Provided, however, that no payments of alimony already received shall have to be reimbursed.”

Section 2. This Act shall be retroactive to April 28, 1978.

Approved June 21, 1979.

Time: 5:05 P.M.

Act No. 79-242

H. 375—Minus

AN ACT

Relating to Choctaw County; establishing the Choctaw County Medical Scholarship Board; providing for its composition; authorizing the county commission to allocate money from the county treasury to the board for its use; authorizing the City Council of the City of Butler to allocate money from the city treasury to the board for its use; and authorizing the board to receive money from private sources for its use.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created in Choctaw County a board to be called the "Choctaw County Medical Scholarship Board" which shall be composed of six (6) members as herein provided. The Choctaw County commission shall collectively select three (3) members whose terms shall be coterminous with those of the county commission members; and the governing body of the City of Butler, Alabama, shall collectively select three (3) members whose terms shall be coterminous with those of the Butler governing body members. Vacancies shall be filled by the respective governing bodies for the remaining term or terms in the same manner as original members are selected.

The board shall annually select from among its members a chairman and a vice-chairman and a treasurer; the chairman shall preside over meetings of the board and the vice-chairman shall preside in his absence. The treasurer shall keep a full accounting of the receiving and granting of monies under the scholarship program. Formal action of the board shall require a majority vote of the board. The board shall meet at least once a year and such other times as may be called by the chairman.

Section 2. The board is hereby authorized to adopt such rules, guidelines, and regulations as are necessary to effectuate a program of medical scholarship awards to deserving residents of Choctaw County.

Section 3. The board is hereby authorized to adopt Bylaws to govern the election of officers, to govern the conduct of meetings, and to govern generally the conduct of its business.

Section 4. The Choctaw County Commission is hereby authorized to appropriate such funds as may be available from the county general fund to the board for the use of implementing and maintaining the medical scholarship program herein created.

Section 5. The City Council of the City of Butler is hereby authorized to appropriate such funds as may be available from the city general fund to the board for the use of implementing

and maintaining the medical scholarship program herein created.

Section 6. The board is hereby authorized to accept funds from private sources for the use of implementing and maintaining the medical scholarship program herein created.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1979.

Time: 5:10 P.M.

Act No. 79-243

H. 509—Blake

AN ACT

To provide for a personnel board for the employees of St. Clair county and any municipalities therein which may elect to come under the authority of such board; to empower such board to promulgate and effect a grievance procedure for all employees who may be subject to its authority under the provisions of this act; to prescribe certain rules and regulations for appointments and dismissals; to provide for the composition, terms of office, and compensation of the members of such board; to provide for appeal to the county circuit court of decisions made by said board; and to prescribe penalties for violations of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in St. Clair county, Alabama.

Section 2. When used in this act, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise: (a) "City" means any incorporated municipality in St. Clair county; (b) "Employee" means any person not excepted by section 3 of this act who is employed in the service of any city or the county in St. Clair county including any city or county hospital and library; (c) "Board" means the St. Clair county personnel board created by this act; (d) "Appointing authority" in the case of municipal employees means elected officers, where applicable, otherwise, the appropriate municipal governing body. In the case of county employees, means the appropriate elected officials or

the county commission as vested with powers to appoint employees as provided by law.

Section 3. The provisions of this act shall apply to all employees of St. Clair county or any municipality therein which elects to come under the authority of this board, but shall not apply to the following persons: (a) elective officers of the county or any municipality therein; (b) members of county or municipal appointive boards, commissions, and committees; (c) all employees of county or municipal boards of education engaged in the profession of teaching or supervising faculties in the public schools; (d) the judge of any court; (e) any employee of the United States government or any agency thereof; and (f) any employee of the state of Alabama or any departments thereof.

Section 4. All employees covered under this act shall be governed by such personnel rules and regulations and grievance procedures as may be prescribed or promulgated pursuant to this act by the board created in section 5 hereof. Such employees shall remain in their present respective employments; however, nothing herein shall be construed to prevent or preclude the removal of such employees for cause in the manner hereinafter provided and such employees, except for appointment, shall be absolutely subject to the provisions of this act.

Section 5. There is hereby created the St. Clair county personnel board which shall consist of three members: (a) one member shall be appointed by the St. Clair county commission; (b) one member shall be appointed by the participating municipal governing bodies; if none participate, then such appointment shall be made by the employees of the county; (c) one member shall be appointed by the state representative and state senator representing St. Clair county. Thereafter, all appointees shall serve for a term of six (6) years. Initial terms of office shall be two (2) years for one member, four (4) years for one member, and six (6) years for one member, determined by drawing names after nominees have been appointed. All appointees to the board shall be residents and qualified electors of St. Clair county and over the age of twenty-five years. Members of the board shall take the constitutional oath of office which shall be filed in the office of the judge of probate. Vacancies on the board shall be filled in the same manner as original appointments. The members of the board shall elect a chairman and the county commission shall provide a secretary. Any member of the board who becomes a candidate or nominee for another public office shall forfeit the right to serve on the board.

Section 6. Each member of the board shall be paid twenty

dollars per meeting day plus such mileage as is provided by law for the St. Clair county commission. The board shall have the power to hire such clerical assistance and to engage the services of such legal counsel as may be necessary to adequately perform its functions. The board shall hold such regular meetings as it deems necessary. Special meetings shall be held at such times and places determined by the board upon the call of the chairman, or as are otherwise dictated by complaints filed with the board as hereinafter provided. A majority of the board members shall constitute a quorum for the transaction of business. The board shall record the minutes of its meetings including all business transacted therein. All board records, except those required by board rules to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city or county at all reasonable times.

Section 7. The board is hereby empowered to promulgate and effect a grievance procedure for all employees who may be subject to its authority under the provisions of this act. The rules and regulations governing such procedure shall be published by the board and distributed among such employees.

Section 8. The following guidelines shall govern appointments coming within the purview of the board's authority: (a) no temporary appointment shall be effective for longer than four months, and no such employee shall have protected status under this act; (b) all appointments, other than temporary appointments, shall be probationary for six months from the date of appointment; (c) a probationary subordinate employee may be discharged by his appointing authority for unsatisfactory service at any time before the expiration of that period; (d) a probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the board; and (e) after the expiration of the probationary period, an appointment shall become permanent and thereafter subject to discharge only for cause.

Section 9. An appointing authority shall have authority to suspend an employee for any personal misconduct affecting or concerning his fitness or ability to perform his duties in the public interest. In the event an employee is suspended for more than thirty days, he shall be entitled to a public hearing before the board upon written demand filed within ten days from the date of the order of suspension. A hearing shall be held no later than ten days following receipt of the written request therefor. If, after such hearing, the board determines that the action of the appointing authority was without cause, the suspension shall be revoked, and the employee shall be reinstated with back pay to the date of discharge.

Section 10. (a) The governing body of any municipality within the county may, by resolution duly adopted, bring its municipal employees under the board. The governing body of any municipality so electing, or any member thereof acting individually, or the head of any department of such municipality; in the case of county employees, the sheriff, or other elected officials vested with powers to appoint employees as provided by law; may remove, discharge, suspend, or demote any subordinate employee of such municipality or county, provided such authority possesses, by law or regulation of the board, such disciplinary powers. Any supervisory employee to whom has been delegated such disciplinary powers may remove, discharge, suspend, or demote any subordinate employee provided that within five days thereof, a written report of such action is made to the board, giving the reason or circumstances surrounding such disciplinary action. If any aggrieved employee is suspended for more than thirty days or removed or discharged or demoted, such employee shall be entitled to a board hearing on such disciplinary action, upon written demand for such within ten days of such action. Such hearing shall be held within ten days of the receipt of the written request therefor. All meetings of the board on disciplinary matters shall be open to the public, and shall respect the aggrieved employee's right to face his or her accusers and be heard in his or her own defense. A permanent employee who has completed the six-month probationary period shall not have disciplinary action taken against him except for personal misconduct rendering his further tenure harmful to the public interest, or for any cause affecting or concerning his fitness or ability to perform his duties.

(b) Pending a hearing on any disciplinary action, the aggrieved employee may be temporarily suspended. Upon a hearing, the board may order said employee reinstated with back pay from the time of such action to the date of reinstatement, or take or approve such disciplinary action as, in their judgment, is warranted by the evidence. Any aggrieved employee shall, after an adverse hearing, have the right to rehearing and appeal as hereinafter provided.

Section 11. Written charges or complaints of wrongdoing or any other grievances may be filed, as herein provided, with the board by any employee, officer, supervisor, chief, or other employee of any county or municipal office to which this act applies. Such charges, complaints, or grievances shall be specifically stated, and sworn to before any member of the board or any person authorized to administer oaths. Upon receipt of such charges, the board, after due consideration, shall determine whether sufficient grounds exist upon which a hearing

can be warranted, and if not, such charges shall be dismissed by the board. If, in the judgment of the board, such charges are of a minor nature, they shall be referred to the proper department head who shall conduct an investigation into the charges and make recommendation to the board within such time as the board may prescribe as to what disciplinary action, if any, should be taken. After such recommendation is made by the department head and after due notice of such is given in writing to the affected employee, the board may, in its discretion, adopt and effect such action or any part thereof as was recommended by the department head. However, if either the complainant or the affected employee, or both, object to the recommendation of the department head, the board shall hold a hearing on the matter, and take such disciplinary action as in their judgment is warranted by the evidence. All hearings before the board shall be open to the public. All testimony given in all hearings before the board shall be recorded. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney or county attorney, as the case may be, may appear and prosecute all charges instituted by the governing body of the city or county or by an elected officer or department head of either when such prosecutor is requested or directed to do so by such city or county governing body, or such officer, sheriff, or department head. It shall not be the duty of the city attorney or the county attorney to prosecute any charges brought by a private citizen. In all proceedings before the board, the city attorney or county attorney may represent the interests of the city or county and give such legal advice and legal assistance to the board as may be requested by it.

Section 12. The board or its duly authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and the production of evidentiary papers and documents which may be relative to any hearing, investigation, or proceeding within the purview of this act. The person so designated by the board shall handle service of process for the board, and shall attend and preserve order at all public hearings conducted by the board. In case a person refuses to obey such subpoena, the board or its authorized representative may invoke the aid of the circuit court in order that the testimony or evidence sought shall be produced. Upon proper showing, such court may, in its discretion, issue a subpoena or order requiring the person to appear before the board or its representative and produce all evidence and give all testimony relating to the matter of issue. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit

courts of this state, which fees shall be paid from the treasury of the city or county.

Section 13. If the employee is aggrieved by the board's decision, such employee may appeal such decision to the circuit court of St. Clair county within thirty days from the rendition of such decision by the board. Review by the court shall be without a jury and be confined to the record and to a determination of the questions of law presented.

Section 14. When needed to transact business, the county governing body shall provide the board an office in the county courthouse; such office shall be suitably equipped and furnished for the operation of the board's business, including, but not limited to telephone service, postage supplies, stationery, and other supplies necessary for the board's operation.

Section 15. Any person who violates any provision of this act shall be guilty of a misdemeanor and, upon conviction, shall be punished as prescribed by law; additionally, any employee appointed or approved for county or municipal service pursuant to the provisions of this act who wilfully violates any provision of this act, including any rule or regulation promulgated by the board, shall be dismissed immediately and shall not be eligible for reappointment for a period of two years.

Section 16. All expenses incurred in the implementation of the provisions of this act shall be financed from a special fund provided by the county and participating municipalities therein for such purposes. The total cost of maintaining the personnel administration function shall be paid into this special fund on a prorated basis from those participating. The board shall submit an annual budget and financial report.

Section 17. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. All laws or parts of laws which conflict with this act are hereby repealed.

Section 19. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved June 21, 1979.

Time: 5:10 P.M.

Act No. 79-244

H. 592—Blake

AN ACT

To repeal Act No. 1044, H. 1902, Regular Session 1971, (Acts 1971,

p. 1857), entitled "An Act Relating to counties having a population of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census; to provide for a deputy coroner for said counties to be appointed by the coroner of said counties; the deputy coroner to reside in the Northern Judicial Division of said counties if the coroner resides in the Southern Judicial Division of said counties or the deputy coroner must reside in the Southern Judicial Division of said counties if the coroner resides in the Northern Judicial Division of said counties; the deputy coroner is to be paid \$100.00 for each month said deputy coroner serves and a mileage allowance of 10c per mile."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1044, H. 1902, Regular Session 1971, (Acts 1971, p. 1857), entitled "An Act Relating to counties having a population of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census; to provide for a deputy coroner for said counties to be appointed by the coroner of said counties; the deputy coroner to reside in the Northern Judicial Division of said counties if the coroner resides in the Southern Judicial Division of said counties or the deputy coroner must reside in the Southern Judicial Division of said counties if the coroner resides in the Northern Judicial Division of said counties; the deputy coroner is to be paid \$100.00 for each month said deputy coroner serves and a mileage allowance of 10c per mile," is hereby expressly repealed.

Section 2. This act shall become effective September 1, 1979.

Approved June 21, 1979.

Time: 5:10 P.M.

Act No. 79-245

H. 593—Blake

AN ACT

Relating to St. Clair County; to provide for a deputy coroner who is to be appointed by the coroner of said county; to designate the deputy coroner's place of residence in said county; and to provide for the compensation, expense and mileage allowances for such officer.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of St. Clair County is hereby authorized to provide for a deputy coroner for St. Clair County who is to be appointed by the coroner of said county. The said deputy coroner must reside in the northern judicial division of said county if the coroner resides in the southern judicial division of the county or the deputy coroner must reside in the southern judicial division of the county if the coroner resides in the northern judicial division.

Section 2. The deputy coroner of said county is to be paid \$100.00 for each month he serves, an expense allowance of \$600 per annum, and a mileage allowance of 10 cents per mile.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective September 1, 1979.

Approved June 21, 1979.

Time: 5:10 P.M.

Act No. 79-246

H. 594—Blake

AN ACT

Relating to St. Clair County; to regulate the salaries and to provide for expense accounts of certain public officials in St. Clair County and also to provide for a referendum election to be held pursuant to Amendment 196 of the Alabama Constitution of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. The annual compensation of the tax assessor of St. Clair County is hereby designated to be increased from \$10,500 annually to \$14,500 annually. Such increase shall become effective at the beginning of said officer's next term of office.

Section 2. The annual compensation of the tax collector of St. Clair County is hereby designated to be increased from \$10,500 annually to \$14,500 annually. Such increase shall become effective at the beginning of said officer's next term of office.

Section 3. In addition to the above mentioned annual compensation, each of the above designated officers shall receive a monthly expense allowance of \$125 to be expended in carrying out the duties of the position.

Section 4. The county coroner of St. Clair County is hereby designated to receive an expense allowance of \$800 per annum. Such allowance shall be in addition to all other compensation or allowances heretofore provided and shall be effective immediately.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective only if approved by a majority of the qualified electors of St. Clair County voting at a referendum election held not less than three months after the final adjournment of the legislative session at which this law is enacted. The governing body of St. Clair County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election, the question shall be stated substantially as follows: "Shall the provisions of Act No. of the 1979 Session of the legislature, which adjusts and fixes the salaries and allowances of certain officers of St. Clair County, be adopted? Yes () No ()."

If a majority of the votes cast at the election are "Yes", the provisions of this act shall become effective, and shall become applicable to each of the elective officers mentioned in Sections 1 and 2 hereof upon the expiration of the term of office of the present incumbent of each of such offices, except the provisions of this act relating to the appointive offices in Sections 1 and 2 shall be effective immediately upon approval of this act by a majority of electors voting in above mentioned referendum election. If a majority of the votes cast in the election under this act are "No", this act shall have no effect. The results of the election, however, shall be certified by the judge of probate of St. Clair County to the secretary of state, who shall make a permanent record thereof.

Approved June 21, 1979.

Time: 5:10 P.M.

Act No. 79-247

H. 606—Adams (C), Whatley

AN ACT

Relating to Russell County; to increase the compensation of election officials.

Be It Enacted by the Legislature of Alabama:

Section 1. The officers appointed to hold elections in Russell County shall each be entitled to \$25 for each election, whether voting machines are used or not. Of this, \$13 shall be paid from the general funds of the county, and the remainder

shall be paid as provided in Section 17-6-13, Code of Alabama, 1975. Such compensation shall be in lieu of all other compensation and expense allowance heretofore provided.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1979.

Time: 5:10 P.M.

Act No. 79-248

H. 633—Grouby, Cosby

AN ACT

To regulate further the fees for recording documents affecting the title to real property in Autauga County; and providing for the disposition of said fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other costs and fees now authorized by law, the Probate Judge of Autauga County shall charge and collect three dollars for recording a property instrument, or any instrument or document affecting the title to property in such county.

Section 2. All fees collected pursuant to this Act shall be deposited into the general fund of Autauga County; however, the disposition of all other costs and fees now authorized by law shall not be affected by this Act.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1979.

Time: 5:10 P.M.

Act No. 79-249

H. 634—Grouby, Cosby

AN ACT

To further regulate the liquor traffic in Autauga County; to give the municipal governing bodies or the county commission the right and authority to suspend or revoke any license issued for the sale of alcoholic

beverages; to make such suspension or revocation subject to review by the State Alcoholic Beverage Control Board.

Be It Enacted by the Legislature of Alabama:

Section 1. Each local governmental entity within Autauga County, whether it be a municipality or the County Commission, shall have the right and authority to suspend or revoke any license issued for the sale of alcoholic beverages which the local governmental entity approved for issuance to any hotel, restaurant or club for any reason which the local governmental entity may deem sufficient and proper. This power to suspend or revoke such license shall be subject to the review of the State of Alabama Alcoholic Beverage Control Board.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1979.

Time: 5:00 P.M.

Act No. 79-250

H. 644—Blake

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the Town of Odenville, St. Clair County, Alabama, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Odenville, St. Clair County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the town the following described territory in addition to the area now embraced within such boundaries and corporate limits to-wit:

The West $\frac{1}{2}$ of the Southwest Quarter, all in Section 19, Township 15, Range 3 East.

Also: The Northeast Quarter and the Northeast Quarter of the Southeast Quarter and the East $\frac{1}{2}$ of the Northwest Quarter and the East $\frac{1}{2}$ of the Southwest Quarter, all in Section 26, Township 15, Range 2 East.

Also: The Northwest Quarter of the Northwest Quarter, and the Southwest Quarter of the Northwest Quarter and the

Northeast Quarter of the Northwest Quarter, which is not presently lying within the town limits of the Town of Odenville, Alabama, all in Section 35, Township 15, Range 2 East.

Also: The Northeast Quarter and the Southeast Quarter and the North $\frac{1}{2}$ of the Southwest Quarter and the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter and the East $\frac{1}{2}$ of the Northwest Quarter of the Northwest Quarter and the East $\frac{1}{2}$ of the Southwest Quarter of the Northwest Quarter, all in Section 34, Township 15, Range 2 East.

Also: The North $\frac{1}{2}$ of the Southeast Quarter of the Southeast Quarter and the North $\frac{1}{2}$ of the Southwest Quarter of the Southeast Quarter and the South $\frac{1}{2}$ of the Northeast Quarter of the Southeast Quarter and the South $\frac{1}{2}$ of the Northwest Quarter of the Southeast Quarter and the North $\frac{1}{2}$ of the Southeast Quarter of the Southwest Quarter and the North $\frac{1}{2}$ of the Southwest Quarter of the Southwest Quarter and the South $\frac{1}{2}$ of the Northeast Quarter of the Southwest Quarter and the South $\frac{1}{2}$ of the Northwest Quarter of the Southwest Quarter, all in Section 33, Township 15, Range 2 East.

Also: The Southeast Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter, all in Section 32, Township 15, Range 2 East.

The Northeast Quarter of the Northeast Quarter and the Northwest Quarter of the Northeast Quarter all in Section 3, Township 16, Range 2 East.

Also: The Southeast Quarter of the Northeast Quarter which is not presently lying within the town limits of the Town of Odenville, Alabama, all in Section 2, Township 16, Range 2 East.

Also: The Northwest Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter which is not presently lying within the town limits of the Town of Odenville, Alabama and the Southeast Quarter of the Northwest Quarter, all in Section 1, Township 16, Range 2 East.

Also: The entire Northwest Quarter and the entire Southwest Quarter and the West $\frac{1}{2}$ of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter, all in Section 30, Township 15, Range 3 East.

Also: The entire Northeast Quarter and the Northeast

Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter, which is not presently lying within the town limits of the Town of Odenville, Alabama, all in Section 36, Township 15, Range 2 East.

Also: The southeast Quarter and the Northeast Quarter and the Northwest Quarter and the North $\frac{1}{2}$ of the Southwest Quarter, all in Section 25, Township 15, Range 2 East.

Section 2. The substantive provisions of this act shall become operative only if the act is approved by the qualified voters who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the municipality of Odenville, voting in a referendum election to be held on a day designated by the probate judge of St. Clair County, not less than 20 nor more than 40 days from the date of this enactment. The notice of the election shall be given by the judge of probate of St. Clair County and the election shall be held, conducted and the results thereof canvassed in the manner prescribed in Title 11, Chapter 42, Code of Alabama 1975 for giving notice of and conducting elections on the question of annexing territories to municipalities insofar as such provisions may be appropriate; provided, however, no resolution of the municipal governing body need be made or filed with the probate judge nor need a plat or map of the territory to be annexed be filed with the probate judge. The question shall be on the adoption of the act of the Regular Session of the Alabama legislature, 1979 Regular Session, which alters, rearranges and extends the corporate limits of the municipality of Odenville, Alabama. Each voter who favors the adoption of said act shall vote "Yes" and those who oppose the adoption of said act on the annexation of said territory shall vote "No". The municipality of Odenville shall pay all costs and expenses incident to the election.

If a majority of the votes cast at the election are "Yes" the provisions of this act shall become operative immediately. If the majority of the votes are "No" this act shall be null and void and of no further effect.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1979.

Time: 5:10 P.M.

Act No. 79-251

H. 291—Manley

AN ACT

To amend Section 34-3-3, Code of Alabama 1975, relating to the fees to be paid by certain applicants for admission to the bar so as to increase such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-3-3, Code of Alabama 1975, is hereby amended to read as follows:

“§ 34-3-3. Applicants for admission to the bar not required by law to take an examination shall pay a fee to be set by the board of commissioners, but not to exceed \$100.00; applicants for admission who are bona fide residents of the state of Alabama who are required to be examined by the board of bar examiners shall pay a fee to be determined by the board of commissioners not to exceed \$200.00, and applicants for admission who are not bona fide residents of the state of Alabama who are required to be examined by the board of bar examiners shall pay the same fee set for residence examinees, plus an additional sum to be determined by the board of commissioners not to exceed \$300.00. The board of commissioners shall not have the authority to increase the fee provided for in this paragraph for applicants who are bona fide residents of the State of Alabama or the additional fee for applicants who are not bona fide residents of the State of Alabama by more than \$25.00 in any one calendar year. Said fees shall become a part of the separate fund provided for in section 34-3-4. Such fees shall be paid to the treasurer, and the treasurer's receipt therefor shall be filed with the application.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 21, 1979.

Time: 5:10 P.M.

Act No. 79-252

H. 133—Carter, Roberts

AN ACT

To amend Section 41-7-2, Code of Alabama 1975, which relates to employees of the state bureau of publicity and information, so as to provide further for the personnel of the state welcoming centers; to provide for the continued employment of certain existing employees of such welcoming centers; and to provide for certain conditions of employment for the employees of such centers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-7-2, Code of Alabama 1975, is hereby amended to read as follows:

"Section 41-7-2. The bureau shall be in charge of a director of publicity. The director shall be appointed by and serve at the pleasure of the governor. The governor shall fix his compensation in accordance with the provisions of section 36-6-6. The director shall appoint division and unit heads and such assistants and employees as may be necessary to the efficient operation of the bureau. All employees of the bureau shall be subject to the provisions of the Merit System Act. It is further provided, however, that all persons employed by the bureau for positions in state welcoming centers as of the effective date of this amendatory act shall retain their employment positions with the bureau. All such persons so retained by the bureau shall immediately receive all benefits and privileges of the state merit system law in the same manner and to the same extent as other merit system employees of the state. All persons employed by the bureau after the effective date of this amendatory act shall be employed subject to the provisions of the state merit system law and such other state and federal laws, including state and federal court requirements and mandates, as may be applicable. It is further provided that any person, who is now serving as a capitol hostess, and has been so employed for a period of twelve months immediately preceding the effective date of this act without merit system status, shall become an employee of the bureau with automatic classification under the state merit system as a welcome center worker. The duties of such person shall include assignment to the capitol building as a hostess."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on June 22, 1979 without approval by the Governor.

Act No. 79-253 H.J.R. 225—Gafford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon,

Drinkard, Edwards, Ford,
 Gilmer, Goodwin, Greer, Gregg,
 Grimsley, Grouby, Hall,
 Hammett, Harper (O),
 Harper (T), Harrison, Harvey,
 Hilliard, Hines, Holley, Holmes,
 Horn, Howard, Jackson,
 Johnson (R.G.), Johnson (Roy),
 Kelley, Kennedy (C),
 Kennedy (Y), Laird, Langford,
 Letson, Lewis, McCorquodale,
 McKee, McMillan, Manley, Minus,
 Mitchell, Moore, Naramore,
 Nevett, Olive, Owens, Parker,
 Patton, Payne, Pegues, Penry,
 Rains, Ray, Reed, Riddick,
 Roberts, Sandusky, Sasser,
 Seibels, Shavers, Shoemaker,
 Smith (C), Smith (J), Smith (M),
 Starkey, Stewart, Stout,
 Trammell, Tucker, Turner,
 Turnham, Venable, Waggoner,
 Ward, Warren, Whatley,
 Williams, Willis, Wyatt, Zoghby

HOUSE JOINT RESOLUTION

WISHING MRS. LINDA PRUETT A SPEEDY AND COMPLETE RECOVERY.

WHEREAS, the Legislature of Alabama was distressed to learn, as were all Alabamians, of the cowardly sniper's attack near Tuscaloosa which resulted in grave and serious injuries to Mrs. Linda Pruett of Warner Robins, Georgia; and

WHEREAS, Mrs. Pruett, who was accompanying her husband, Fred Pruett, on a trucking run, is in critical condition at Tuscaloosa's Druid City Hospital; and

WHEREAS, stunned by the reality that such tragedy could occur on our state's highways and within the borders of the State of Alabama, this body expresses sincere regret both to Mrs. Pruett and to all members of her family whose concern we deeply share; and

WHEREAS, it is our desire that Mr. and Mrs. Pruett be aware that this body vehemently deplores such cowardly acts of violence, for whatever cause and by whomever responsible; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That we are sorely distressed by the seriousness of Mrs. Linda Pruett's regrettable injuries and most earnestly beseech her early and complete recovery.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Pruett that she and her family may know of our warm good wishes during their time of adversity.

Approved June 26, 1979.

Time: 5:00 P.M.

Act No. 79-254

H. 32—Turner

AN ACT

Relating to Washington County; to provide that there shall be a referendum election in said county to determine whether or not the construction and maintenance of the county road system shall remain under the present unit system or revert back to the district or beat line system.

Be It Enacted by the Legislature of Alabama:

Section 1. The Washington County governing body shall call a referendum election either within six months from the date of this act, or on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the legislature, to determine whether or not the qualified voters of the county wish for the county road system to remain under the unit system or revert back to the district or beat line system.

Section 2. If the vote at such election is in favor of the county remaining under the present local law, then the county road system shall continue to be operated under the provisions of Act No. 582, H. 170, 1975 Regular Session (Acts of 1975, p. 1325), and the provisions of said Act shall remain in full force and effect. If the vote at such election is in favor of the county road system being operated under the district or beat system, then the county governing body shall arrange for an orderly transition into such system within a three-month period after said election and the provisions of said Act No. 582, H. 170, 1975 Regular Session (Acts of 1975, p. 1325), shall be repealed and null and void.

Section 3. The county governing body is hereby authorized and empowered to pay for the cost of such election out of the county general fund.

Section 4. The county governing body shall notify the

secretary of state of the results of said election and the secretary of state shall cause results of said election and a statement as to whether or not the provisions of said Act No. 582, H. 170, 1975 Regular Session (Acts of 1975, p. 1325), have been repealed or were retained to be printed in conjunction with and bound with the Acts of the next regular session of the Alabama Legislature.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1979.

Time: 5:00 P.M.

Act No. 79-255

H. 81—Bennett

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Homewood in Jefferson County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

PARCEL I — Commence at the Northeast corner of the Southwest One-Quarter of the Northeast One-Quarter of Section 23, Township 18 South, Range 3 West; run thence in a Southerly direction along the East line of said Quarter-Quarter for a distance of 50 feet to the point of beginning, said point being situated on the Southerly right-of-way line of Raleigh Avenue; from the point of beginning thus obtained, thence run in a Southerly direction along the East line of the Southwest One-Quarter of the Northeast One-Quarter and the Northwest One-Quarter of the Southeast One-Quarter and the Southwest One-Quarter of the Southeast One-Quarter of Section 23, Township 18 South, Range 3 West for a distance of 3,061.98 feet to a point on the Northeasterly right-of-way line of Interstate Highway No. I-65; thence turn an angle to the right of 172 degrees, 46 minutes, 19 seconds and run in a Northwesterly direction along the Northeasterly right-of-way line of Inter-

state Highway No. I-65 for a distance of 472.76 feet; thence turn an angle to the right of 7 degrees, 35 minutes, 41 seconds and run in a Northwesterly direction along the Northeasterly right-of-way line of Interstate Highway No. I-65 for a distance of 302.38 feet; thence turn an angle to the left of 6 degrees, 05 minutes, 36 seconds and run in a Northwesterly direction along the Northeasterly right-of-way line of Interstate Highway No. I-65 for a distance of 780.13 feet; thence turn an angle to the left of 8 degrees, 03 minutes, 27 seconds and run in a Northwesterly direction along the Northeasterly right-of-way line of Interstate Highway No. I-65 for a distance of 1,007.32 feet; thence turn an angle to the left of 14 degrees, 41 minutes, 27 seconds and run in a Northwesterly direction along the Northeasterly right-of-way line of Interstate Highway No. I-65 for a distance of 670.42 feet to its intersection with the Southerly right-of-way line of Raleigh Avenue; thence turn an angle to the right of 121 degrees, 13 minutes and run in an Easterly direction along the Southerly right-of-way line of Raleigh Avenue for a distance of 563.26 feet; thence turn an angle to the right of 8 degrees, 29 minutes, 38 seconds and run in a Southeasterly direction along the Southerly right-of-way line of Raleigh Avenue for a distance of 135 feet to the point of beginning.

PARCEL II — Begin at the Northwest corner of the Northwest One-Quarter of the Northeast One-Quarter of Section 23, Township 18 South, Range 3 West; run thence in an Easterly direction along the North line of said Quarter-Quarter Section for a distance of 330 feet; thence turn an angle to the right of 87 degrees, 33 minutes, 30 seconds and run in a Southerly direction for a distance of 528 feet to a point on the North line of Oak Grove Estates, Second Addition; thence turn an angle to the right of 92 degrees, 28 minutes and run in a Westerly direction along the North line of Oak Grove Estates, Second Addition, to its intersection with the Northeasterly right-of-way line of Interstate Highway No. I-65; thence run in a Northwesterly direction along the Northeasterly right-of-way line of Interstate Highway No. I-65 to its intersection with the North line of the Northeast One-Quarter of the Northwest One-Quarter of Section 23, Township 18 South, Range 3 West; thence run in an Easterly direction along the North line of said Quarter-Quarter Section to the point of beginning.

PARCEL III — Begin at the intersection of the North line of Oak Grove Estates, First Addition, as recorded in Map Book 32, Page 98, in the office of the Judge of Probate, Jefferson County, Alabama, with the Southwesterly right-of-way line of Interstate Highway No. I-65; thence run in a Westerly direction along the North line of Oak Grove Estates, First

Addition, and along the existing City Limits line of the City of Homewood for a distance of 300 feet, more or less; thence run in a Northerly direction along the existing City Limits line of the City of Homewood to its intersection with the Southwesterly right-of-way line of Interstate Highway No. I-65; thence run in a Southeasterly direction along the Southwesterly right-of-way line of Interstate Highway No. I-65 to the point of beginning.

PARCEL IV — Begin at the Northwest corner of the Northeast One-Quarter of the Northwest One-Quarter of Section 23, Township 18 South, Range 3 West: thence run in a Westerly direction along the North line of Section 23, Township 18 South, Range 3 West for a distance of 10 feet; thence turn an angle to the left of 92 degrees, 31 minutes, 30 seconds and run in a Southerly direction along the Easterly right-of-way line of Cobb Street for a distance of 190 feet; thence turn an angle to the left of 87 degrees, 28 minutes, 30 seconds and run in an Easterly direction along the existing City Limits line of the City of Homewood for a distance of 275.43 feet; thence turn an angle to the right of 87 degrees, 28 minutes, 30 seconds and run in a Southerly direction along the existing City Limits line of the City of Homewood for a distance of 105 feet; thence turn an angle to the left of 87 degrees, 28 minutes, 30 seconds and run in an Easterly direction along the existing City Limits of the City of Homewood for a distance of 295.23 feet; thence turn an angle to the left of 92 degrees, 31 minutes, 30 seconds and run in a Northerly direction along the existing City Limits line of the City of Homewood for a distance of 105.59 feet to a point on the Southwesterly right-of-way line of Interstate Highway No. I-65; thence turn an angle to the left of 62 degrees, 14 minutes and run in a Northwesterly direction along the Southwesterly right-of-way line of Interstate Highway No. I-65 for a distance of 74.93 feet; thence turn an angle to the right of 4 degrees, 52 minutes, 30 minutes and run in a Northwesterly direction along the Southwesterly right-of-way line of Interstate Highway No. I-65 for a distance of 170.32 feet; thence turn an angle to the right of 22 degrees, 00 minutes and run in a Northwesterly direction along the Southwesterly right-of-way line of Interstate Highway No. I-65 for a distance of 91 feet to a point on the North line of the Northeast One-Quarter of the Northwest One-Quarter of Section 23, Township 18 South, Range 3 West; thence run in a Westerly direction along the North line of said Quarter-Quarter Section for a distance of 298.02 feet to the point of beginning.

PARCEL V — Begin at the intersection of the East right-of-way line of Oak Grove Road with the Southerly line of Oak Grove Estates as recorded in Map Book 32, Page 43, in the

office of the Judge of Probate, Jefferson County, Alabama; run thence in an Easterly direction along the South line of said Oak Grove Estates to its intersection with the East line of the Southwest One-Quarter of the Northwest One-Quarter of Section 23, Township 18 South, Range 3 West; thence run in a Southerly direction along the East line of said Southwest One-Quarter of the Northwest One-Quarter of Section 23, Township 18 South, Range 3 West to the Southeast corner of said Quarter-Quarter Section; thence run in a Westerly direction along the South line of the Southwest One-Quarter of the Northwest One-Quarter of Section 23, Township 18 South, Range 3 West to the Southwest corner of said Quarter-Quarter Section; thence run in a Northerly direction along the West line of the Southwest One-Quarter of the Northwest One-Quarter of Section 23, Township 18 South, Range 3 West to a point that is 447 feet Southerly of the Northwest corner of the Southwest One-Quarter of the Northwest One-Quarter of Section 23, Township 18 South, Range 3 West; thence turn an angle to the right of 92 degrees, 31 minutes and run in an Easterly direction for a distance of 379 feet; thence turn an angle to the right of 87 degrees, 24 minutes, 30 seconds and run in a Southerly direction for a distance of 183 feet; thence turn an angle to the right of 92 degrees, 45 minutes and run in a Westerly direction for a distance of 139 feet; thence turn an angle to the left of 92 degrees, 37 minutes, 30 seconds and run in a Southerly direction for a distance of 314.50 feet; thence turn an angle to the left of 87 degrees, 29 minutes, and run in an Easterly direction for a distance of 205.5 feet; thence turn an angle to the left of 92 degrees, 32 minutes and run in a Northerly direction for a distance of 11.0 feet; thence turn an angle to the right of 92 degrees, 32 minutes and run in an Easterly direction for a distance of 230 feet, more or less, to a point on the Easterly right-of-way line of Oak Grove Road; thence run in a Northerly direction along the Easterly right-of-way line of Oak Grove Road to the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1979.

Time: 5:00 P.M.

Act No. 79-256

H. 196—Manley

AN ACT

To amend section 7-9-204, 7-9-301, 7-9-302, 7-9-306 and 7-9-312 of

the Code of Alabama 1975 relating to security interests so as to extend the time period for perfecting security interests in order to obtain priority over other creditors.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 7-9-204, 7-9-301, 7-9-302, 7-9-306 and 7-9-312 of the Code of Alabama 1975 are hereby amended to read as follows:

“§ 7-9-204. (1) A security interest cannot attach until there is agreement (subsection (3) of section 7-1-201) that it attach and value is given and the debtor has rights in the collateral. It attaches as soon as all of the events in the preceding sentence have taken place unless explicit agreement postpones the time of attaching.

“(2) For the purposes of this section the debtor has no rights:

“(a) In crops until they are planted or otherwise become growing crops, in the young of livestock until they are conceived;

“(b) In fish until caught, in oil, gas or minerals until they are extracted;

“(c) In a contract right until the contract has been made;

“(d) In an account until it comes into existence.

“(3) Except as provided in subsection (4), a security agreement may provide that collateral, whenever acquired, shall secure all obligations covered by the security agreement.

“(4) No security interest attaches under an after-acquired property clause:

“(a) To crops which become such more than one year after the security agreement is executed except that a security interest in crops which is given in conjunction with a lease or a land purchase or improvement transaction evidenced by a contract, mortgage or deed of trust may if so agreed attach to crops to be grown on the land concerned during the period of such real estate transaction;

“(b) To consumer goods other than accessions (section 7-9-314) when given as additional security unless the debtor acquires rights in them within 20 days after the secured party gives value.

“(5) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment.

“§ 7-9-301. (1) Except as otherwise provided in subsection (2), an unperfected security interest is subordinate to the rights of:

“(a) Persons entitled to priority under section 7-9-312;

“(b) A person who becomes a lien creditor without knowledge of the security interest and before it is perfected;

“(c) In the case of goods, instruments, documents, and chattel paper, a person who is not a secured party and who is a transferee in bulk or other buyer not in ordinary course of business to the extent that he gives value and receives delivery of the collateral without knowledge of the security interest and before it is perfected;

“(d) In the case of accounts, contract rights, and general intangibles, a person who is not a secured party and who is a transferee to the extent that he gives value without knowledge of the security interest and before it is perfected.

“(2) If the secured party files with respect to a purchase money security interest before or within 20 days after the collateral comes into possession of the debtor, he takes priority over the rights of a transferee in bulk or of a lien creditor which arise between the time the security interest attaches and the time of filing.

“(3) A ‘lien creditor’ means a creditor who has acquired a lien on the property involved by attachment, levy or the like and includes an assignee for benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing of the petition or a receiver from the time of appointment. Unless all the creditors represented had knowledge of the security interest such a representative of creditors is a lien creditor without knowledge even though he personally has knowledge of the security interest.

“§ 7-9-302. (1) A financing statement must be filed to perfect all security interests except the following:

“(a) A security interest in collateral in possession of the secured party under section 7-9-305;

“(b) A security interest temporarily perfected in instruments or documents without delivery under section 7-9-304 or in proceeds for a 20-day period under section 7-9-306;

“(c) A purchase money security interest in farm equipment having a purchase price not in excess of \$2500.00; but filing is required for a fixture under section 7-9-313 or for a motor vehicle required to be licensed;

“(d) A purchase money security interest in consumer;

goods; but filing is required for a fixture under section 7-9-313 or for a motor vehicle required to be licensed;

“(e) An assignment of accounts or contract rights which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts or contract rights of the assignor;

“(f) A security interest of a collecting bank (section 7-4-208) or arising under the article on sales (see section 7-9-113) or covered in subsection (3) of this section.

“(2) If a secured party assigns a perfected security interest, no filing under this article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

“(3) The filing provisions of this article do not apply to a security interest in property subject to a statute:

“(a) Of the United States which provides for a national registration or filing of all security interests in such property; or

“(b) Of this state which provides for central filing of, or which requires indication on a certificate of title of, such security interests in such property.

“(4) A security interest in property covered by a statute described in subsection (3) can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate thereof by a public official.

“(5) The filing provisions of this article also do not apply to a security interest in personal property or fixtures of any corporation or other business entity primarily engaged in the railroad or street railway business, the telephone or telegraph business, the transmission of oil, gas or petroleum products by pipeline, or the transmission, production or distribution of electricity, steam, gas or water, which security interest is created by a mortgage, deed of trust or other security agreement which also covers real property situated in the state of Alabama and which has been filed for record in accordance with the laws of Alabama governing mortgages of real property. Such security interest shall be perfected by such filing, whether such filing shall have been accomplished before or after the effective date set out in section 7-10-101; and such security interest shall be and remain effective, both as to the personal property or fixtures covered by the security interest at the time that it is perfected and as to personal property or fixtures which may subsequently be covered by the security

interest under any after-acquired property provision of the mortgage, deed of trust or other security agreement creating the security interest, as long as such mortgage, deed of trust or other security agreement shall remain in effect, without the necessity for any refiling under the provisions of this article 9.

"Except as provided in the preceding paragraph of this subsection 7-9-302(5), notwithstanding anything in this article 9 to the contrary, the proper place to file a financing statement in order to perfect a security interest in personal property or fixtures of a corporation or other business entity of the type described in said preceding paragraph is in the office of the secretary of state; and the security interest covered by the financing statement shall continue perfected, both as to the personal property or fixtures covered by the security interest at the time that it is perfected and as to personal property or fixtures which may subsequently be covered by the security interest under any after-acquired property provision of the security agreement creating the security interest, without the necessity for any refiling under the provisions of this article 9, for as long as may be provided for in the security agreement creating the security interest. When the financing statement covers goods of a corporation or other business entity of the type described in said preceding paragraph, which goods are or are to become fixtures, no description of the real estate concerned or name of the record owner thereof is required.

"§ 7-9-306. (1) 'Proceeds' includes whatever is received when collateral or proceeds are sold, exchanged, collected or otherwise disposed of. The term also includes the account arising when the right to payment is earned under a contract right. Money, checks and the like are 'cash proceeds.' All other proceeds are 'noncash proceeds.'

"(2) Except where this article otherwise provides, a security interest continues in collateral notwithstanding sale, exchange or other disposition thereof by the debtor unless his action was authorized by the secured party in the security agreement or otherwise, and also continues in any identifiable proceeds including collections received by the debtor.

"(3) The security interest in proceeds is a continuously perfected security interest if the interest in the original collateral was perfected but it ceases to be a perfected security interest and becomes unperfected 20 days after receipt of the proceeds by the debtor unless:

"(a) A filed financing statement covering the original collateral also covers proceeds; or

"(b) The security interest in the proceeds is perfected

before the expiration of the 20-day period.

“(4) In the event of insolvency proceedings instituted by or against a debtor, a secured party with a perfected security interest in proceeds has a perfected security interest:

“(a) In identifiable noncash proceeds;

“(b) In identifiable cash proceeds in the form of money which is not commingled with other money or deposited in a bank account prior to the insolvency proceedings;

“(c) In identifiable cash proceeds in the form of checks and the like which are not deposited in a bank account prior to the insolvency proceedings; and

“(d) In all cash and bank accounts of the debtor, if other cash proceeds have been commingled or deposited in a bank account, but the perfected security interest under this paragraph (d) is:

“(i) Subject to any right of setoff; and

“(ii) Limited to an amount not greater than the amount of any cash proceeds received by the debtor within 20 days before the institution of the insolvency proceedings and commingled or deposited in a bank account prior to the insolvency proceedings less the amount of cash proceeds received by the debtor and paid over to the secured party during the 20-day period.

“(5) If a sale of goods results in an account or chattel paper which is transferred by the seller to a secured party, and if the goods are returned to or are repossessed by the seller or the secured party, the following rules determine priorities:

“(a) If the goods were collateral at the time of sale for an indebtedness of the seller which is still unpaid, the original security interest attaches again to the goods and continues as a perfected security interest if it was perfected at the time when the goods were sold. If the security interest was originally perfected by a filing which is still effective, nothing further is required to continue the perfected status; in any other case, the secured party must take possession of the returned or repossessed goods or must file.

“(b) An unpaid transferee of the chattel paper has a security interest in the goods against the transferor. Such security interest is prior to a security interest asserted under paragraph (a) to the extent that the transferee of the chattel paper was entitled to priority under section 7-9-308.

“(c) An unpaid transferee of the account has a security interest in the goods against the transferor. Such security interest is subordinate to a security interest asserted under paragraph (a).

“(d) A security interest of an unpaid transferee asserted under paragraph (b) or (c) must be perfected for protection against creditors of the transferor and purchasers of the returned or repossessed goods.

“§ 7-9-312. (1) The rules of priority stated in the following sections shall govern where applicable: section 7-4-208 with respect to the security interest of collecting banks in items being collected accompanying documents and proceeds; section 7-9-301 on certain priorities; section 7-9-304 on goods covered by documents; section 7-9-306 on proceeds and reposessions; section 7-9-307 on buyers of goods; section 7-9-308 on possessory against nonpossessory interests in chattel paper or nonnegotiable instruments; section 7-9-309 on security interests in negotiable instruments, documents or securities; section 7-9-310 on priorities between perfected security interests and liens by operation of law; section 7-9-313 on security interests in fixtures as against interests in real estate; section 7-9-314 on security interests in accessions as against interest in goods; section 7-9-315 on conflicting security interests where goods lose their identity or become part of a product; and section 7-9-316 on contractual subordination.

“(2) A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest.

“(3) A purchase money security interest in inventory collateral has priority over a conflicting security interest in the same collateral if:

“(a) The purchase money security interest is perfected at the time the debtor receives possession of the collateral; and

“(b) Any secured party whose security interest is known to the holder of the purchase money security interest or who, prior to the date of the filing made by the holder of the purchase money security interest, had filed a financial statement covering the same items or type of inventory, has received notification of the purchase money security interest before the

debtor receives possession of the collateral covered by the purchase money security interest; and

“(c) Such notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

“(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within 20 days thereafter.

“(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), priority between conflicting security interests in the same collateral shall be determined as follows:

“(a) In the order of filing if both are perfected by filing, regardless of which security interest attached first under section 7-9-204(1) and whether it attached before or after filing;

“(b) In the order of perfection unless both are perfected by filing, regardless of which security interest attached first under section 7-9-204(1) and, in the case of a filed security interest, whether it attached before or after filing; and

“(c) In the order of attachment under section 7-9-204(1) so long as neither is perfected.

“(6) For the purpose of the priority rules of the immediately preceding subsection, a continuously perfected security interest shall be treated at all times as if perfected by filing if it was originally so perfected and it shall be treated at all times as if perfected otherwise than by filing if it was originally perfected otherwise than by filing.”

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved June 26, 1979.

Time: 5:00 P.M.

Act No. 79-257 H. 243—Harrison, Waggoner, Bennett, Horn,
Cabaniss, Olive, Trammell, Biddie,
Boles, Howard, Seibels, Nevett,
Hilliard, Moore

AN ACT

To amend Section 3.18 of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, to authorize annual examination of such city's books and accounts by the same accountant for not more than three years in succession.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3.18 of Act No. 452 of the Regular Session of the Legislature of 1955 (Acts of 1955, Page 1004), as amended, be and said Section 3.18 is hereby amended to read as follows:

"3.18. Examination of books and publication of accounts. The council shall each month print in pamphlet form a detailed statement of all receipts and expenses of the city, and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the daily newspapers of the city and to persons who apply therefor. At the end of each year, the council shall cause a full and complete examination of all the books and accounts of the city to be made by a certified public accountant, or by the state department of examiner of public accounts, and shall cause the result of such examination to be published in the manner above provided for publication of statements of monthly expenditures. Such examination shall not be made more than three years in succession by the same accountant."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1979.

Time: 5:05 P.M.

Act No. 79-258

H. 596—Gilmer

AN ACT

Relating to Lamar County; to provide additional clerical help for the probate judge, tax assessor and tax collector and to provide said act shall take retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The offices of probate judge, tax assessor and tax collector in Lamar County are each hereby authorized to hire a chief clerk. Said chief clerks' salaries shall be fixed

by the Lamar County Commission and paid from the general fund of the county.

Section 2. The office of probate judge, provided sufficient funds are available, shall be authorized to employ additional clerks as deemed necessary and approved by the Lamar County Commission. The salaries of said clerks shall be fixed by the Lamar County Commission.

Section 3. The office of tax assessor, provided sufficient funds are available, shall be authorized to employ additional clerks as deemed necessary and approved by the Lamar County Commission. The salaries of said clerks shall be fixed by the Lamar County Commission.

Section 4. The office of tax collector, provided sufficient funds are available, shall be authorized to employ additional clerks as deemed necessary and approved by the Lamar County Commission. The salaries of said clerks shall be fixed by the Lamar County Commission.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall take retroactive effect to October 1, 1978.

Approved June 26, 1979

Time: 5:05 P.M.

Act No. 79-259

H. 665—Cobb

AN ACT

Relating to Marion County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Marion County is hereby authorized and empowered to construct and maintain driveways for schools, churches, and church owned cemeteries, located within the county, at county expense.

Section 2. The county commission is further authorized

and empowered to construct and maintain any gravel road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting landowner for a distance of one-fourth of a mile.

Section 3. The actual cost of operating and constructing the gravel road or driveway shall be borne and paid by the homeowner. The county commission is hereby authorized and empowered to require the posting of a cash bond to insure the payment of such actual cost. The county commission may, in its discretion, provide normal maintenance at county expense on any gravel road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting homeowner for a distance of one-fourth of a mile.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1979

Time: 5:05 P.M.

Act No. 79-260

H. 668—Holley

AN ACT

Relating to Coffee County; providing an additional expense allowance for each coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. Each coroner of Coffee County shall receive an additional expense allowance in the amount of \$50 per month, payable out of the county general fund. The expense allowance provided by the provisions of this act shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1979.

Time: 5:05 P.M.

Act No. 79-261

H. 729—Cates

AN ACT

Relating to Butler County; to provide for the refund of certain contributions to any retirement system by certain former county sheriffs.

Be It Enacted by the Legislature of Alabama:

Section 1. Any former sheriff of Butler County who is forced to withdraw from any retirement system in which he was a member and who by virtue of being a member of such retirement system was required to pay both the employer's and the employee's share of contributions, shall have refunded by the county all personal contributions as hereinafter provided. The county commission shall refund any contributions not previously refunded by warrant drawn on the county treasury in the same manner and under the same conditions as any such previous refund.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1979.

Time: 5:05 P.M.

Act No. 79-262

H. 730—Cates

AN ACT

Relating to Butler County; to provide for the night hunting and taking of raccoons and opossums with the use of dogs, a light and a 22-caliber rimfire rifle using 22-caliber-short ammunition and/or number six size shot used in shotguns.

Be It Enacted by the Legislature of Alabama:

Section 1. Raccoons and opossums may be legally hunted and taken at night by catching or killing with the use of dogs, a light and a 22-caliber rimfire rifle using 22-caliber-short ammunition, and/or number six size shot used in shotguns.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1979.

Time: 5:05 P.M.

Act No. 79-263

H. 68—Pegues

AN ACT

To establish eight classes of municipalities, by population, based on the 1970 Federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established eight classes of municipalities based on the population as certified by the 1970 Federal decennial census, as authorized by Amendment No. 375, Constitution of Alabama, 1901, as follows:

Class 1: All cities with a population of 300,000 inhabitants or more;

Class 2: All cities with a population of not less than 175,000 and not more than 299,999 inhabitants;

Class 3: All cities with a population of not less than 100,000 and not more than 174,999 inhabitants;

Class 4: All cities with a population of not less than 50,000 and not more than 99,999 inhabitants;

Class 5: All cities with a population of not less than 25,000 and not more than 49,999 inhabitants;

Class 6: All cities with a population of not less than 12,000 and not more than 24,999 inhabitants;

Class 7: All cities with a population of not less than 6,000 and not more than 11,999 inhabitants;

Class 8: All cities and towns with a population of 5,999 inhabitants or less.

The Legislature may refer, in the title thereof, to the class or classes of municipalities herein set out, in adopting general laws.

Section 2. No general law which at the time of its enactment applies to only one municipality of the state shall be enacted unless notice of the intention to apply therefore shall

have been given and shown as provided in Section 106 of the Constitution, 1901. for special, private or local laws; provided that such notice shall not be deemed to constitute such law a local law.

Section 3. Any municipality incorporated after the effective date of this act shall be placed in one of the above classes according to the population of the municipality at the time of its incorporation.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 28, 1979.

Time: 4:00 P.M.

Act No. 79-264

H.J.R. 198—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, June 12, 1979, we adjourn to meet again on Thursday, June 14, 1979; when we adjourn on Thursday, June 14, we adjourn to meet again on Tuesday, June 19, 1979, and when we adjourn on Tuesday, June 19, we adjourn to meet again on Thursday, June 21, 1979; when we adjourn on Thursday, June 21, we adjourn to meet again on Tuesday, June 26, 1979, and when we adjourn on Tuesday, June 26, we adjourn to meet again on Thursday, June 28, 1979; when we adjourn on Thursday, June 28, we adjourn to meet again on Monday, July 2, 1979; when we adjourn on Monday, July 2, we adjourn to meet again on Tuesday, July 10, 1979.

Approved June 28, 1979.

Time: 4:30 P.M.

Act No. 79-265

H.J.R. 209—Wyatt

HOUSE JOINT RESOLUTION

TO ESTABLISH A STUDY COMMITTEE ON THE PROCESS OF PASSING LOCAL LEGISLATION.

WHEREAS, the Supreme Court of Alabama has declared a local Montgomery County law unconstitutional on grounds that it did not receive the required number of votes even after it passed with all members from Montgomery voting in the affirmative; and

WHEREAS, it is possible all local laws passed under the same conditions may be unconstitutional; and

WHEREAS, any local contested law will require the politicking of the entire Legislature; and

WHEREAS, the administration, Legislators not in the local delegation and other lobbyist groups can now determine local legislation even against the will of the local legislators or the local people; and now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature does hereby create a committee of 15 members to study this problem and report its recommendations to the Legislature by the 1st Legislative day after July 1, 1979.

BE IT FURTHER RESOLVED, That this committee will be made up of 8 members of the House of Representatives to be appointed by the Speaker and 7 members of the Senate to be appointed by the Lt. Governor.

BE IT FURTHER RESOLVED, That the members of this committee shall receive no extra compensation and said committee shall not continue to function after the end of the 1979 Regular Session.

Approved June 28, 1979.

Time: 4:30 P.M.

Act No. 79-266

H.J.R. 221—Roberts

HOUSE JOINT RESOLUTION

AUTHORIZING AND DIRECTING THE BOARDS OF EDUCATION OF THE CITIES OF DECATUR AND HARTSELLE TO UNDERTAKE A STUDY OF A UNIFIED SCHOOL SYSTEM FOR THE CITIES OF DECATUR AND HARTSELLE AND MORGAN COUNTY.

WHEREAS, the Boards of Education of the Cities of Decatur and Hartselle operate successful school systems for the education of the children of said cities; and

WHEREAS, the Board of Education of Morgan County operates a successful school system for the education of the children of Morgan County; and

WHEREAS, there is a need to study the benefits that might accrue from the consolidation of these three school systems into a unified school system for the Cities of Decatur and Hartselle and Morgan County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Boards of Education of the Cities of Decatur and Hartselle be authorized and directed to conduct a study of a unified school system for the Cities of Decatur and Hartselle and Morgan County.

BE IT FURTHER RESOLVED, That this study shall include:

- a. Estimates of revenue from existing sources and recommended increases and decreases;
- b. Transportation of school children;
- c. Salary and pay scales of personnel;
- d. Administration and administrative consolidation of the school systems.

BE IT FURTHER RESOLVED, That the Study Commission created for this purpose is to consist of the following:

- a. The Mayors of the Cities of Decatur and Hartselle;
- b. The Chairman of the Morgan County Commission;
- c. The Superintendent of the Morgan County Schools;
- d. The Superintendents of the Decatur and Hartselle City Schools;
- e. One member each of the Boards of Education of the Cities of Decatur and Hartselle and of Morgan County to be selected by the Boards of Education of each school system;
- f. Two lay persons and members of the public at large to be selected, respectively, by the Boards of Education of each system;
- g. All members of the legislative delegation of Morgan County to serve as ex officio members.

BE IT FURTHER RESOLVED, That the Boards of Education of the Cities of Decatur and Hartselle and the Board of Education of Morgan County be authorized to furnish such per-

sonnel and assistance as they deem appropriate. The Chairman of the Morgan County Commission shall serve as temporary Chairman of the Study Commission and shall call its first meeting within 30 days after the passage of this resolution and, at that meeting, the Commission shall elect a Chairman, Vice Chairman and Secretary from among its membership.

RESOLVED FURTHER. That the Commission shall make such inquiries, hold such public hearings and investigations of the matters to which the study directed by this resolution relates and shall prepare a report of its findings with suggested recommendations as to the advisability of consolidation of all existing school systems in Morgan County and as to the manner and schedule by which such consolidation may be accomplished. Such report shall be completed by not later than 90 days prior to the convening of the Regular Session of the Legislature in 1981.

RESOLVED FURTHER, That a copy of a report of the findings of the Study Commission be filed with each member of the legislative delegation from Morgan County upon completion of the study.

Approved June 28, 1979.

Time: 4:30 P.M.

Act No. 79-267

H.J.R. 230—Greer, Starkey, Coburn,
Smith (M)

HOUSE JOINT RESOLUTION

**REGARDING GASOLINE SHORTAGES IN ALABAMA
AND PRICE DISCREPANCIES THROUGHOUT THE
STATE.**

WHEREAS, though problems exist for the State of Alabama as a whole regarding availability of gasoline and steadily rising prices, there are many discrepancies which warrant both investigation and remedial action in cases of proven illegality; and

WHEREAS, in many of our northernmost counties, gasoline supplies are either non-existent or are far below those supplies available in other Alabama counties and in many counties just across the border in the State of Tennessee; and

WHEREAS, in addition to severe shortages such as in the Muscle Shoals and other northern areas, the prices charged for gasoline have averaged over the past twelve months any-

where from eight to as much as 14¢ per gallon higher than those charged in the rest of the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urgently request that the Governor and his office take whatever steps may be necessary to see that an equitable share of our state's gasoline supplies is made available to the citizens of North Alabama.

BE IT FURTHER RESOLVED, That the Office of the Attorney General of Alabama initiate an immediate investigation into the disproportionately high prices charged in the northern areas of Alabama and prosecute to the fullest extent in cases of price-fixing and other illegalities.

RESOLVED FURTHER, That copies of this resolution be dispatched forthwith to Governor Fob James and to Attorney General Charles Graddick that they may at once take steps to comply with our requests.

Approved June 28, 1979.

Time: 4:30 P.M.

Act No. 79-268

H.J.R. 177—Hammett

HOUSE JOINT RESOLUTION

SUPPORTING THE EFFORTS OF THE CITIZENS AND CITY OFFICIALS OF ANDALUSIA, ALABAMA, IN SEEKING SELECTION AS THE SITE OF THE 1980 BABE RUTH 16-18 YEAR OLD BASEBALL WORLD SERIES.

WHEREAS, Andalusia in Covington County, Alabama, is one of three cities in the nation being considered as the site of the 1980 Babe Ruth 16-18 Year Old Baseball World Series, a sports event of national scope held annually, but in various locales as selected by the Babe Ruth Association; and

WHEREAS, Andalusia is this year the host city for the Southeastern Regional Babe Ruth Tournament to be held in August, a fact which has generated an epidemic of "baseball fever" in this South Alabama city which already is renowned for its love of the sport; and

WHEREAS, with excellent facilities available and meeting all other criteria, Andalusia, in the opinion of the Alabama Legislature, would be an excellent choice as the location for the 1980 Babe Ruth World Series; the 32,000-dollar guarantee

also is satisfied with the Andalusia City Council approving \$10,000 of that amount evidencing the good faith of the Council and that body's commitment to fully support the Series; and

WHEREAS, as the Babe Ruth 16-18 Year Old Baseball World Series is a prestigious event avidly sought by numerous cities, the Legislature is cognizant, as is the City of Andalusia, that selection as the site of the Series is a great honor of inordinate benefit both financially and as a measure of distinction and fame; thus, fully aware of the many advantages, the citizens and city officials of Andalusia, Alabama, are fully committed to further the success of the Babe Ruth World Series with the total and complete support of all its citizens as well as all other Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wholeheartedly endorse the efforts of the City of Andalusia in seeking selection as the site of the 1980 16-18 Year Old Babe Ruth Baseball World Series.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Andalusia Mayor Bryant Chalmers and to Mr. Ronald Tellefson, Executive Director of Babe Ruth Baseball, that they may know of our endorsement and of our pledge to support Babe Ruth Baseball in Andalusia in any and every possible way.

Approved June 28, 1979.

Time: 4:30 P.M.

Act No. 79-269

H.J.R. 181—Williams, Sasser, Holley,
Daniels, Carothers

HOUSE JOINT RESOLUTION

NAMING THE MEDIA BUILDING AT GEORGE C. WALLACE STATE COMMUNITY COLLEGE, THE "GEORGE H. GRIMSLEY MEDIA BUILDING."

WHEREAS, George H. Grimsley has devoted his entire adult life in the field of education, having served for forty-two years; and

WHEREAS, Mr. Grimsley has been a devoted member of the George C. Wallace State Community College staff for seventeen years, having served as Vice-President and interim President of the institution; and

WHEREAS, Mr. Grimsley has served his community and the entire Wiregrass Area with distinction in the field of rehabilitation work, and other civic and religious affairs, having served as President of the Haleburg Lions Club, and has served his country as an army officer during World War II; and

WHEREAS, George H. Grimsley has served youth in the coordination and implementation of various training programs for underprivileged and deserving young men and women in his community and surrounding area in his present position of Vice-President of George C. Wallace State Community College; and

WHEREAS, Mr. Grimsley has been most active in his support and implementation of programs at the George C. Wallace State Community College; and

WHEREAS, Mr. Grimsley's interest and influence have been great in the formative years of the academic program and the institution's development of the vocational-technical program; he has also served in various capacities of implementation of training programs for industries of the Wiregrass area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Media Building, which is located on the campus of George C. Wallace State Community College at Napier Field, Dothan, Alabama, is hereby named and designated as the "George H. Grimsley Media Building."

BE IT FURTHER RESOLVED, That the Alabama State Board of Education is hereby authorized and directed to erect appropriate signs and markers around and above the described building displaying the name hereby established.

Approved June 28, 1979.

Time: 4:30 P.M.

Act No. 79-270

H.J.R. 208—Manley

HOUSE JOINT RESOLUTION

WHEREAS, the state of the judiciary and the administration of justice is of paramount interest to the Legislature and to the citizens of Alabama; and

WHEREAS, it has been a custom and tradition in many of

our sister states to invite their Chief Justice to report annually on the state of the judicial branch of government to the Legislature; and

WHEREAS, the Honorable C. C. Torbert, Jr., Chief Justice of the Alabama Supreme Court and administrative head of the Judicial Branch of government did deliver such a report to the Legislature during the 1978 Regular Session;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE, both Houses thereof concurring:

That the Honorable C. C. Torbert, Jr., Chief Justice of the Supreme Court of Alabama, is hereby cordially invited to address a joint session of the Legislature and report on the state of the judiciary and the administration of justice in Alabama at 11:00 a.m. on the 28th day of June, 1979.

BE IT FURTHER RESOLVED that a copy of this resolution, be sent to the Chief Justice as an invitation to address a joint session of the Legislature.

Approved June 28, 1979.

Time: 4:45 P.M.

Act No. 79-271

H.J.R. 223—Reed, Harrison

HOUSE JOINT RESOLUTION

CONGRATULATING MR. BURTON D. COLE ON THE OCCASION OF HIS 100TH BIRTHDAY.

WHEREAS, it is with great pleasure and delight that the Legislature of Alabama notes the 100th birthday, on July 22, 1979, of Mr. Burton D. Cole, a resident of Macon County and of the Veterans Administration Medical Center Nursing Home in Tuskegee, Alabama; and

WHEREAS, Mr. Cole, who is a native of New York State, is the only Spanish American War veteran living in the State of Alabama; he was discharged in Nebraska following service in 1898-99; and

WHEREAS, born in Walton, New York, on July 22, 1879, Burton Cole is one-quarter Indian, a maternal descendant of a Seminole princess; for many years he resided at the VA Medical Center in Bay Pines, Florida, was transferred to the VA Center in Tuscaloosa, Alabama, in 1966, and, since 1970, has been a beloved resident of the VA Nursing Home in Tuskegee; and

WHEREAS, on Sunday, July 22, 1979, a Family Day Celebration will be held for all residents of the Nursing Home, highlighted with a special birthday celebration honoring Mr. Cole on this festive and auspicious occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are honored to pay tribute to Mr. Burton D. Cole, not only as a centenarian and our state's only Spanish American War Veteran, but also as a warm and wonderful gentleman whom we wish many more years of health and happiness.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to Mr. Cole that he may know of our warm best wishes, congratulations and praise.

Approved June 28, 1979.

Time: 4:45 P.M.

Act No. 79-272 H.J.R. 231—Johnson (Roy), Mitchell, Barton,
Owens, Howard, Clark

HOUSE JOINT RESOLUTION

DESIGNATING JULY 9, 1979, "MUNNY SOKOL DAY"
IN TUSCALOOSA, ALABAMA.

WHEREAS, Mr. Morris "Munny" Sokol, retired Tuscaloosa businessman, is a native of Birmingham who was educated in the public schools of that city and is a University of Alabama graduate in Business Administration; he also attended the University's School of Law and is a U. S. Army veteran of World War II who advanced from the rank of private to Captain and served in the European Theatre of Operations; and

WHEREAS, Munny Sokol is a first generation American whose parents emigrated to this country from Europe in 1906; he is a member and serves as finance chairman of the Temple Emanuel in Tuscaloosa, is also co-chairman of the Temple's building fund, past chairman of the building committee and a past president of B'nai B'rith Lodge and the Federation of Jewish Charities; and

WHEREAS, Mr. Sokol is an established leader in all phases of community life; dedicated to serving the needs of others, he has for many years given generously of his time and talents, interest, efforts and resources to numerous charitable and civic organizations; and

WHEREAS, the United Fund, Salvation Army, the Scout program, Boys' Ranch, and many other worthwhile organizations have benefitted from Munny Sokol's dedicated labors as have the Exchange Club, Chamber of Commerce, Tuscaloosa County Industrial Board and many, many others; and

WHEREAS, his awards and honors have been many, the latest of which is Tuscaloosa's "Munny Sokol Park," named and dedicated in his honor and in appreciation of his humanitarian efforts on behalf of his fellow man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in recognition of extraordinary service to others and in tribute to one of our state's most outstanding citizens, this body hereby designates July 9, 1979, "Munny Sokol Day" in Tuscaloosa, Alabama, the community he has loved and served so well.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to Mr. Sokol as a memento of this honorary designation and as evidence of our appreciation, praise and esteem.

Approved June 28, 1979.

Time: 4:45 P.M.

Act No. 79-273

H. 61—Cosby, Pegues, Edwards, Moore,
Harvey, Adams (H), Drinkard,
Smith (C), Waggoner

AN ACT

To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-6-2 of the Code of Alabama 1975, as amended, is hereby amended further to read as follows:

"Section 11-6-2. The person appointed as county engineer, or chief engineer of the division of public roads within the meaning of this article shall be a registered professional engineer and land surveyor in the state of Alabama in good standing and in addition he shall have had not less than three years experience in the maintenance and construction of highways and bridges; except, that in all counties having populations of not less than 300,000 nor more than 600,000 inhabitants

according to the most recent or any subsequent federal decennial census and in Cleburne, Crenshaw, Chilton, Fayette, Winston, Lamar, Cullman, Perry, Bullock, Macon, Montgomery, Clay, Walker, Coffee, Choctaw, Blount, Houston, Pike, Russell, Chambers, Etowah, Shelby, Conecuh, and Dallas Counties, the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary as provided in section 11-6-4; provided, however, that the exemption for Montgomery County shall expire on May 1, 1979."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 28, 1979.

Time: 4:45 P.M.

Act No. 79-274

H. 748—Turner

AN ACT

Relating to Washington County; to further provide for a clerk-hire allowance for the county tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. In Washington County, the tax collector shall be entitled to a clerk-hire allowance which shall be set by the county commission and shall be payable in equal monthly installments out of the county general fund.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 28, 1979.

Time: 4:45 P.M.

Act No. 79-275

H. 749—Turner

AN ACT

Relating to Washington County; to authorize the county commission to pay all fees, dues and related expenses of membership in any pro-

professional organization to which the supernumerary tax assessors and supernumerary tax collectors of the county may belong; and to provide for payment of expenses of attendance at certain meetings.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Washington County is hereby authorized to pay all fees, dues and related expenses of membership in any professional organizations to which the supernumerary tax collectors and supernumerary tax assessors may belong.

Section 2. Each supernumerary tax collector and supernumerary tax assessor may, at the discretion of the county commission, be allowed to attend two meetings a year of any of the above mentioned professional organizations at the expense of Washington County.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 28, 1979.

Time: 4:45 P.M.

Act No. 79-276

S. 483—Robertson

AN ACT

To authorize the county governing body of Tuscaloosa County, Alabama, and the governing body of any municipality in Tuscaloosa County, to enter into long term contracts for the disposal of solid waste, garbage, and rubbish; to limit the term for which such contracts may be made; to prescribe certain stipulations that must be made in such contracts; and to declare that the entering of such contracts shall not constitute the incurring of a debt within the constitutional provision or statutory limitation on debts of the county and the municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Tuscaloosa County, Alabama, or the governing body of any municipality in said county, in lieu of or in addition to maintaining a ceremony landfill, or other method for the disposal of garbage, solid waste, and like substances, or otherwise disposing of garbage within its juris-

diction, may enter into a contract or contracts, either jointly or separately, with each other or with private contractors, providing for the disposal of its solid waste, garbage and rubbish or any part thereof. The terms, provisions and conditions of the contract shall be such as the governing body deems appropriate and in the best interests of the county or municipality, as the case may be; and such contract may provide for the continuous disposal of such solid waste, garbage, and rubbish from year to year, but not for more than twenty years. Any contract entered into by the governing body of a municipality or the county under authority of this act shall stipulate that any waste disposal system used by the contractor shall comply fully with regulations of the federal environmental protection agency and with rules and regulations of the state air and water pollution control agencies.

Section 2. Any cost to the county or a municipality under any contract entered into under authority of this act shall be paid annually out of the general operating funds of the county or municipality, as the case may be, and the entering of such contracts shall not constitute the incurring of a debt by such county or municipality within the state constitutional provision or statutory limitation on debts of the county or municipality.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act is supplemental. It shall be construed in *pari materia* with other laws relative to the disposals of solid waste; however, any law or part of law which conflicts with this act is hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1979.

Time: 8:45 A.M.

Act No. 79-277 S. 16—Gulledge, Denton, Mitchem, Proctor,
Callahan, Miller, Teague, Goodwin.

AN ACT

To amend Sections 22-22-1, 22-22-4, 22-22-8, 22-22-9, 22-22-10, 22-22-12, and 22-22-14 of the Code of Alabama 1975 relating to the Water Improvement Commission, so as to make the statutes conform to the

requirements of the Federal Water Pollution Control Act, as amended and regulations thereunder, in order for the Alabama Water Improvement Commission to obtain the National Pollutant Discharge Elimination System (NPDES) Permit authority from the Federal Environmental Protection Agency and further to amend said sections with regard to quorum, permitting, fund disbursing requirements, and criminal penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-22-1 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 22-22-1. (a) This chapter may be cited as the Alabama Water Pollution Control Act.

"(b) For the purposes of this chapter, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

"(1) COMMISSION. The water improvement commission.

"(2) MEMBER. A member of said commission.

"(3) WATERS. All waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce.

"(4) POLLUTION. The discharge of a pollutant or combination of pollutants. A pollutant includes but is not limited to dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. Pollutant does not mean (A) sewage from vessels; or (B) water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state, and if the Commission determines that such injection or disposal will not result in the degradation of ground or surface water resources.

"(5) SEWAGE. Water-carried human wastes from residences, buildings, industrial establishments or other places, together with such ground, surface, storm or other waters as may be present.

"(6) INDUSTRIAL WASTES. Liquid or other wastes resulting from any process of industry, manufacture, trade or business or from the development of natural resources.

"(7) OTHER WASTES. All other substances, whether liquid, gaseous or solid, or energy in the form of heat from all other sources including, but not limited to, any vessels or other conveyances traveling or using the waters of this state, except industrial wastes or sewage.

"(8) PERSON. Any and all persons, natural or artificial, including, but not limited to, any individual, any responsible corporate officer, any firm or association, any municipal, public or private corporation organized or existing under the laws of this or any other state or country, or any other body politic or corporate.

"(9) DISCHARGE. The addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other wastes into waters of the state."

Section 2. Section 22-22-4 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 22-22-4. The commission shall appoint, in accordance with the merit system law of this state, a director, who shall be a person fully trained and experienced in water pollution control. The director shall exercise administrative supervision of water quality control programs adopted by the commission and, in the interim between meetings of the commission, shall have authority to perform in the name of the commission all functions and duties delegated to him by the commission. The commission may, acting through its director, employ, compensate and prescribe the powers and duties of such officers, employees and consultants, in accordance with the merit system and other laws of this state, as may be necessary to carry out the provisions of this chapter. The commission may delegate any of the powers and duties vested in it by this chapter to the director, except the adoption and promulgation of standards, rules and regulations, revocation of permits and the issuance, modification or revocation of orders. However, in emergencies the director may issue, modify or revoke orders. The commission may appoint hearing officers as may be necessary or desirable in the administration of its duties and responsibilities."

Section 3. Section 22-22-8 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 22-22-8. The commission shall meet regularly, at least one meeting every 60 days and such additional meetings as may be prescribed by commission rules, or by the call of the chair-

man or by any three public-at-large commission members, upon delivery of written notice to each member at least 72 hours prior to the meeting. All commission meetings shall be open to the public, and public notice shall be given at least 24 hours in advance of each meeting. In an emergency, the requirement for 72 hours' advance notice and the public notice may be dispensed with, and commission members and the public shall receive such notice as is reasonable under the circumstances. Three public-at-large members of the commission shall constitute a quorum. The commission shall keep a complete and accurate record of all its meetings, a copy of which shall be kept on file in the office of the director and open to public inspection."

Section 4. Section 22-22-9 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 22-22-9. (a) It shall be the duty of the commission to control pollution in the waters of the state, and it shall specifically have the following powers:

"(1) To study and investigate all problems concerned with the improvement and conservation of the waters of the state;

"(2) To conduct, independently and in cooperation with others, studies, investigation and research and to prepare, or in cooperation with others prepare, a program or programs, any or all of which shall pertain to the purity and conservation of the waters of the state or to the treatment and disposal of sewage, industrial wastes or other wastes, which studies, investigations, research and program or programs shall be intended to result in the reduction of pollution of the waters of the state according to the conditions and particular circumstances existing in the various communities throughout the state; and

"(3) To propose remedial measures insofar as practical means are available for abatement of such pollution.

"To this end, the commission may cooperate with any public agency, including federal agencies, or with any private agency in the conduct of such experiments, investigations and research and may receive, in behalf of the state, any moneys which any such agency may contribute as its share of the cost under any such cooperative arrangement; provided, that such moneys shall be used only for the purposes for which they are contributed and any unexpended balance remaining after the conclusion of the experiments, investigation and research, or other uses for which such moneys were granted or donated, shall remain to the credit of the water improvement commission fund, unless the terms of such grant, gift or donation specifi-

cally require the return of any unexpended balance.

“(b) It shall be the duty of the commission to conduct surveys with respect to the pollution of any waters of the state, either navigable or not navigable, to establish criteria standards and limitations for recognized limits of pollution and, independently or in cooperation with other agencies, both public and private, to promote, through education and demonstration, water conservation and the abatement of water pollution.

“(c) The commission may require any person discharging, or applying to discharge, pollution into the waters of the state to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods, sample pollution, in accordance with such methods, at such locations, intervals and procedures as the commission shall prescribe and provide such other information as the commission reasonably may require. Any records, reports or information obtained under this chapter shall be available to the public; except, that upon a showing satisfactory to the commission by any person that records, reports or information, or a particular part thereof, other than effluent data, to which the commission has access under this chapter, if made public, would divulge production or sales figures or methods, processes or production unique to such person or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets, the commission shall consider such record, report, or information, or particular portion thereof, confidential in the administration of this chapter. Nothing in this subsection shall be construed to prevent disclosure of such report, record or information to federal or state representatives as necessary for purposes of administration of any federal or state water quality control laws or when relevant in any proceeding under this chapter. The fees of witnesses for attendance and travel shall be the same as fees of witnesses before the courts of record and shall be paid from the appropriation for the expenses of the commission. Any judge of a court of record, either in term time or vacation, upon application of the chairman or vice-chairman of the commission, shall compel the attendance of witnesses, the production of books and papers and the giving of testimony before the commission, or any agent thereof, by attachment, contempt or otherwise in the same manner as the production of evidence shall be compelled before said court. The director shall require the attendance of employees who are needed as witnesses without subpoena. Any member of the commission or its employees or agents may enter any property or any industrial or other establishment at any reasonable time for the purpose of collecting such information, and no owner or official in charge shall refuse to admit such member, em-

ployee or agent for any purposes necessary to the discharge of his official duty.

“(d) It shall be the duty of the commission to render a report annually to the governor and each succeeding legislature in regular session assembled of its activities and progress, and it must include any recommendations for amendment to this chapter.

“(e) It shall be the further duty of the commission to extend its cooperation and to advise industries and municipalities relative to the control of waste and other deleterious matter of pollutive nature and to make available to industries and municipalities the benefits of its studies and findings.

“(f) It shall be the duty of the commission to exercise general supervision over the administration and enforcement of all laws relating to pollution of the waters of the state. Whenever the commission determines that any person is violating, or is about to violate, any of the provisions of this chapter, or any rule or regulation or order of the commission promulgated thereunder, the commission may notify such person of such determination of the commission. The notice may be served by registered or certified mail or by an officer empowered to serve process under existing laws or by an officer or agent of the commission. Within such time as may be specified in such notice, such person shall file with the commission a full report showing steps that have been taken and are being taken to control such discharge or pollution. Thereupon, the commission may make such orders as in its opinion are deemed reasonable.

“(g) It shall be the duty of the commission, after notice as provided in this subsection and after consideration of the purpose of this chapter, to establish such standards of quality for any waters in relation to their reasonable and necessary use as shall be in the public interest, recognizing that, because of variable factors and varied use of waters, no single standard of treatment and no single standard of quality are practical and that the degree of treatment of sewage, industrial wastes, and other wastes must take into account the present and future uses, and such general policies relating to existing or proposed future pollution as it shall deem necessary to accomplish the purposes of this chapter and to modify, amend or cancel the same. Any provision of law to the contrary notwithstanding, the quality of pollution existing in an effluent at any time shall be subject to the control of the commission if it creates a health hazard. Prior to establishing standards as provided in this subsection, the commission shall cause to be published in a newspaper published in and of general circulation in each county

within which any such waters, wholly or partially, are located, a notice in substantially the following form:

"NOTICE

"Of Water Improvement Commission

"Notice is hereby given that a hearing before the Water Improvement Commission of the state of Alabama will be held on the day of, 19....., at for the purpose of establishing standards of quality in those certain waters in the county or counties of Alabama, described as follows (Describe Waters) Anyone desiring to be heard may appear at said meeting.

Water Improvement Commission

By: (Director)

"Such notice shall be published once a week for three consecutive weeks prior to the holding of any hearing of the commission for consideration of such standards; provided, that in any county where no such newspaper is available for publishing said notice, the prescribed notice shall be posted at the county courthouse of said county for a period of three weeks prior to holding of any such hearing of the commission. Any hearing required by this subsection may be conducted by a hearing officer appointed by the commission.

"(h) It shall be the duty of the commission to receive and examine applications, plans, specifications and other data and to issue permits for the discharge of sewage, industrial wastes entering directly or through a municipal or private treatment facility and other wastes into the waters of the state, stipulating in each permit the conditions under which such discharge may be permitted.

"(i) It shall be the duty of the commission, and it shall have the authority, to adopt rules and regulations to carry out the provisions of this chapter and to accomplish the purpose of this chapter.

"(j) (1) It shall be the duty of the commission to issue, modify or revoke orders:

"a. Prohibiting or abating discharges of sewage, industrial wastes or other wastes directly or indirectly into the waters of the state; and

"b. Requiring the construction of new treatment or disposal systems, or any parts thereof, or the modification, exten-

sion or alteration of existing treatment or disposal systems, or any parts thereof or the adoption of other remedial measures to prevent, control or abate pollution.

"(2) It shall be the duty of the commission to issue, continue in effect, revoke, modify or deny, under such conditions as it may prescribe, to prevent, control or abate pollution, permits for the discharge of sewage, industrial wastes or other wastes into the waters of the state and for the installation, modification or operation of treatment or disposal systems or any parts thereof.

"(3) Every person who, prior to November 21, 1971, is discharging any sewage, industrial wastes or other wastes into any waters of the state under a permit of the then existing water improvement commission may continue to do so under said permit unless and until the commission modifies or alters the terms of the permit.

"(4) Every person who, prior to November 21, 1971, is proceeding to comply with a plan toward control of the pollution for which the plan was developed under a permit of the then existing water improvement commission must do so within the time limit specified by said plan and/or permit.

"(5) Every person, who, prior to November 21, 1971, is discharging any pollution into any waters of this state without a permit covering such discharge shall, in accordance with the terms of this chapter, apply in writing, within 30 days of November 21, 1971, for a permit and obtain a permit as a condition of continuing such discharge. Said permit shall be granted upon the submission to, and approval by, the commission of a plan to control such discharge within two years from date of application.

"(6) Subsequent to November 21, 1971, every person, prior to discharging any new or increased pollution into any waters of this state shall apply to the commission in writing for a permit and must obtain such permit before discharging such pollution.

"(7) Any and all pollution is hereby declared to be a public nuisance and, if it creates, or is about to create, a health hazard shall be subject to immediate control of the commission by order or injunction. Any order issued under this subsection shall be deemed to be final and conclusive for the purposes of this chapter.

"(k) The commission may enter into agreement with the responsible authorities of the federal government and of other states, subject to the approval of the governor, relative to poli-

cies, methods, means and procedures to be employed to control pollution of any interstate waters and to carry out such agreements by procedures provided for in this chapter. This power shall not be deemed to extend to the modification of any agreement with any other state concluded by direct legislative act, but, unless otherwise expressly provided, the commission shall be the agency for the administration and enforcement of any such legislative agreement.

“(l) Whenever the commission has cause to believe that any person is violating any rule or regulation promulgated by the commission, the commission shall cause a prompt investigation to be made in connection therewith. If, upon inspection, the commission discovers a condition which is in violation of the provisions of this chapter, or any rule or regulation promulgated pursuant thereto, it shall be authorized to order such violation to cease and to take such steps necessary to enforce such an order. The said order shall state the items which are in violation and shall provide a reasonable specified time within which the violation must cease. The person responsible shall make the corrections necessary to comply with the requirements of this chapter, or rule or regulation promulgated pursuant thereto, within the time specified in the order. Nothing in this subsection shall be deemed to prevent the commission or the attorney general from prosecuting any violation of this chapter, or any rule or regulation promulgated pursuant thereto, notwithstanding that such violation is corrected in accordance with any order.

“(m) Any person aggrieved by an order of the commission under this chapter may, upon application made within 15 days after notice thereof, be entitled to a hearing before the commission, which shall, within a reasonable time thereafter, hold a hearing, of which at least 15 days' written notice shall be given to such persons. Within 30 days after such hearing, the commission shall issue an appropriate order modifying, approving or disapproving its order. A copy of such order shall be served upon all interested parties. Pending the determination by the commission, and upon application therefor, the commission may stay the operation of such order upon such terms and conditions as it may deem proper. The testimony taken at any hearing shall be under oath and recorded stenographically, but the parties shall not be bound by the strict rules of evidence prevailing in the courts. True copies of any transcript and of any other record made of or at such hearing shall be furnished to any party thereto upon request and at his expense. Any hearing required by this chapter to be held before the commission shall be held before a hearing officer designated by the commission, who shall have power to subpoena

witnesses and compel their attendance, administer oaths and require the production for examination of any books or papers relating to any matter under investigation in any such hearing. The commission, at the request of any interested person, may subpoena and compel the attendance of such witnesses as such person may designate and require the production for examination of any books or papers relating to any matter under investigation in any such hearing.

“(n) Any duly designated employee of the commission may administer oaths to witnesses and may conduct hearings or investigations, and any such duly designated employee of the commission may sign and issue subpoenas requiring persons to appear before him or the commission, and the commission, through its designated officers, shall have the power to serve said subpoenas upon any such person by sending a copy of such subpoena through the United States mail, postage prepaid, which said mail shall be registered or certified with return receipt attached, and such service shall be complete when said registered or certified mail shall be delivered to said person and such receipt returned to the commission, or its designated employee, signed by the person sought to be subpoenaed. Obedience to a subpoena issued by the commission or any person authorized and designated by the commission to issue said subpoena may be enforced by application to any judge of the circuit court of the county in which said subpoena was issued or to the judge of any circuit court in which such person subpoenaed resides in the same manner as is provided by law for the grand jury of a county to enforce its subpoenas and with the same penalty as provided therefor for the failure of any person failing or refusing to comply with such subpoena.

“(o) Any person who violates any provision of this chapter, or any rule or regulation adopted by the commission, or any order or permit which has been issued by the commission as provided for in this section or who discharges sewage, industrial wastes or other wastes into the waters of Alabama without a permit as required by this chapter shall be liable to a penalty of not less than \$100.00 nor more than \$10,000.00 for said violation, which may be recovered in a civil action in the circuit court. Each and every day during which such violation continues shall constitute a separate violation for purposes of this subsection. It shall be the duty of the commission and the attorney general or any district attorney to commence such actions to recover said penalties. In any such action, any person may intervene as a matter of right. The issuance of an order shall not be a condition precedent to the commencement of any action under this section; however, where an order has been issued, the alleged violator shall be afforded

an opportunity to be heard upon said order as provided in this section before any action is commenced under this section.

“(p) The commission, the attorney general or any district attorney may commence a civil action for damages for pollution of the waters of the state including, but not limited to, any reasonable costs to prevent, minimize or clean up any damage resulting from pollution resulting from the wrongful act, omission or negligence of a person. Such civil actions may be filed in the name of the state by the commission or the attorney general in the county or counties where pollution occurs or in which the defendant resides or does business. Both punitive and compensatory damages may be recovered in a case where pollution resulted from willful or wanton conduct on the part of the defendant; compensatory damages alone may be awarded when the pollution is caused by a negligent act or omission. Should a verdict for damages be obtained in any such action, the court shall also assess and tax as costs against the defendant all reasonable costs incurred by the particular department or agency which investigated the pollution in such action. Such costs, as testified to by sworn affidavit, shall be paid over by the court to that department or agency which performed the investigation.

“(q) Any person who violates any of the provisions of, or fails to perform any duty imposed by, this chapter, or regulation issued under this chapter, or who violates any order or determination of the commission promulgated pursuant to this chapter and causes the death of fish or other wildlife shall, in addition to the penalties and remedies provided in subsections (o) and (p) of this section, be liable to pay to the state an additional amount equal to the sum of money reasonably necessary to restock such waters or replenish such wildlife, as determined by the commission after consultation with the game and fish division or the marine resources division of the department of conservation and natural resources or any other governmental agency. Such sums as may thus be recovered, including punitive damages, if any, shall be credited, regardless of who instituted such action, to the game and fish and/or seafood fund as the commissioner of conservation and natural resources may determine. If the pollution has caused damage to fish and/or other wildlife in excess of \$5,000.00, as determined by the Alabama department of conservation and natural resources or any other governmental agency, and testified to by sworn affidavit, the damage shall be presumed to have been the direct and proximate result of negligence of the person shown to be responsible for such pollution, and the burden shall then be upon such person to prove freedom of negligence in causing the pollution in such cases.

“(r) Nothing contained or authorized in this chapter and no civil action by the commission, or the attorney general or any district attorney, as provided for in this section, shall be construed to impair, or abridge or abrogate any cause of action which any person or class of persons may have by any other statutory or case law for the alleviation, abatement, control or prevention of pollution or for the restitution for damages resulting therefrom. Nor shall any provision of this chapter be construed so as to create a new cause or causes of action with reference to this subsection.

“(s) The commission, the attorney general or any district attorney may bring a civil action to enjoin any actual or threatened violation of any provision of this chapter, or violation of any rule, regulation or order made under this chapter, or to control a health hazard resulting from pollution.”

Section 5. Section 22-22-10 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 22-22-10. The commission is authorized to accept and use such funds, facilities or personnel as may be, or may become, available for the purposes of this chapter, either directly to the commission or in any of the state departments or from federal or other agencies represented; but nothing in this section shall be construed to limit, modify or supersede any of the powers or duties of said cooperating departments or agencies unless in direct conflict with this chapter, nor to interfere with the power of each such department or agency to determine the disposition of funds specifically appropriated to it and to select, employ and control all of its employees regardless of the fact that said employees may be assigned and devoting the whole or a part of their time to work under the direction of the commission. There is hereby created and there shall be a fund which shall be known as the water improvement commission fund. This fund shall consist of:

“(1) All moneys appropriated to the commission by the state legislature of Alabama;

“(2) All moneys received by the commission by appropriation from county or municipal governments;

“(3) All gifts, grants, bequests or donations from individuals, associations, corporations or industries;

“(4) All moneys derived through any source of federal aid; and

“(5) All moneys accruing to the commission from any source whatever.

"The fund shall be used and expended by the commission in accordance with the terms of the gift, grant, bequest, appropriation or donation from which said moneys are derived and, in the absence of any such terms or stipulations, shall be expended by the commission in furtherance of any of the provisions of this chapter. All necessary expenses of the commission shall likewise be paid out of said fund on the requisition of the commission as may be deemed advisable. The commission is authorized to employ such consultants and full-time technical and clerical and other workers as are necessary and within the available funds to carry out the purposes of this chapter."

Section 6. Section 22-22-12 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 22-22-12. The commission is hereby designated the state water pollution control agency for the state for all purposes of the federal Water Pollution Control Act, as amended, and is hereby authorized to take all actions necessary and appropriate to secure to the state the benefits of said federal act."

Section 7. Section 22-22-14 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 22-22-14. (a) Any person who willfully or with gross negligence violates any provision of the chapter, or rule, regulation or standard adopted under this chapter, or any condition or limitation in a permit issued under this chapter shall be punished by a fine of not less than \$2,500.00 nor more than \$25,000.00 per day of violation or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after a first conviction of such person under this subsection, punishment shall be by a fine of not more than \$50,000 per day of violation or by imprisonment for not more than two years, or by both.

"(b) Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed, or required to be maintained, under this chapter or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter shall, upon conviction, be punished by a fine of not more than \$10,000.00 or by imprisonment for not more than six months, or by both.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 2, 1979.

Time: 4:30 P.M.

Act. No. 79-278

S. 34—McDonald

AN ACT

Relating to Madison County; to provide further for the compensation of the members of the county board of equalization by authorizing the Madison County commission to provide certain county salary supplements for such members.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Madison County is hereby authorized to provide county salary supplements for the members of Madison County board of equalization in any amount so long as such supplement shall not make the total compensation of such members any more than fifty dollars (\$50.00) per day plus expenses. Such supplement shall be paid in the usual manner from funds available in the county treasury.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1979.

Time: 3:30 P.M.

Act No. 79-279

S. 39—McDonald

AN ACT

Relating to Madison County; authorizing the county commissioners, upon payment of reasonable costs, to cause the opening of graves for interment in other than cemeteries owned by private corporations licensed to operate a perpetual care cemetery in Madison County, and repealing conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County commissioners are authorized, provided the service is offered equally and upon payment of reasonable costs (except in the case of indigents), to cause the opening of graves for interment in other than cemeteries owned by private corporations licensed to operate a perpetual care cemetery in Madison County.

Section 2. All laws or parts of laws which conflict with

this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1979.

Time: 3:30 P.M.

Act No. 79-280

S. 361—Keener

AN ACT

Relating to the City of Gadsden, Alabama; amending Sections 12, 14 and 20 of Act No. 904, H. 1848 of the 1975 Regular Session (Acts 1975, Vol. III, p. 1787), which relate to the city's policemen and firemen retirement fund and certain limitations of benefits and the time requirements therefor and restrictions or reemployment, so as to broaden certain benefits; and removing all restrictions of reemployment in state or local government after retirement, except by the City of Gadsden.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 12, 14 and 20 of Act No. 904, H. 1848 of the 1975 Regular Session (Acts 1975, Vol. III, p. 1787) are amended to read as follows:

"Section 12. 1. In order to preserve the financial integrity of said pension fund, the Board of Trustees, if it deems necessary, shall have the authority to prorate those benefits received by said members who retired before, on, or after October 1, 1975 as follows:

"(a) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of \$10,000 a year may have their benefits reduced by thirty percent.

"(b) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of \$7,500 but less than \$10,000 a year may have their benefits reduced by twenty percent.

"(c) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of \$5,000 but less than \$7,500 may have their benefits reduced by ten percent.

"Provided that the provisions of this section concerning

prorated payments shall not be interpreted to include those members drawing survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act.

"The Board of Trustees shall have the power to do whatever is necessary and proper to enforce the provisions of section 12, subsection 1.

"2. No person retired after October 1, 1975 under the policemen's and firemen's retirement fund can be reemployed full time by the City of Gadsden in any department, without first having signed an agreement forfeiting his or her pension benefits during the time of reemployment. For purposes of this act, full time employment means twenty (20) hours or more per week. Benefits shall be resumed upon termination of employment. In no instance shall the benefits lost during the time of reemployment be recovered by said person. The provisions of this section shall not be interpreted to include those members drawing survivor's benefits.

"3. Any member of the police and fire department of a city to which this act applies who has been in continuous service thereof for as long as twenty years, upon making written application to the Board of Trustees therefor shall, without medical examination or disability, be retired from service in such department and upon such retirement the Board of Trustees shall direct the payment to such retired member, monthly from such fund the amount hereinafter provided for his or her particular position, office, salary, or class of work. However, any member of such police or fire department who has become a new employee as of October 1, 1975, must serve a mandatory thirty (30) years consecutive service before receiving retirement benefits. Also, any person employed on or before June 1, 1975, who will have served twenty-five (25) years effective June 1, 1981, may then retire at 55% of his or her salary not to exceed \$5,000.00 per year. Also, any person employed on or before June 1, 1975, who will have served thirty (30) consecutive years effective June 1, 1985, may then retire at 60% of his or her salary not to exceed \$6,000.00 per year.

"In no instance however, may any employee be eligible to retire at 55% of his or her salary not to exceed \$5,000.00 per year until or unless on June 1, 1981 he or she shall have then already served twenty-five (25) consecutive years in such police or fire departments, and in no instance, however, may any employee be eligible to retire at 60% of his or her salary not to exceed \$6,000.00 per year until or unless on June 1, 1985, he or she shall have then already served thirty (30) con-

secutive years. Each rank must be held three years before retirement. Any person having met the requirements for retiring under this section must undergo a moratorium period of ninety (90) days before receiving any monthly payment of benefits.

"4. All members retiring before the twenty-fifth (25) anniversary date must undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that for reasons of mental or physical disability or some similar tragic circumstances, this requirement could be waived.

"5. All members employed prior to June 1, 1975 who retire before the twenty-fifth (25) anniversary date shall undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that for reasons of mental or physical disability or some similar tragic circumstance, this requirement could be waived.

"Section 14. Except as otherwise provided in this subdivision each member who has been or who hereafter is retired shall receive a retirement benefit equal to fifty per centum of the salary received at the date of his retirement.

"Provided, further, each member who retires after twenty years consecutive service shall ninety days after retirement (unless retired at age 65 or later or for reasons of disability) be paid a retirement benefit of 50% of the salary he or she was receiving at the time of retirement. Each member who retires after having served twenty-five consecutive years and whose retirement commences on or after June 1, 1981, shall be paid a retirement benefit of 55% of the salary (not to exceed \$5,000.00) he or she was receiving at the time of retirement — effective date June 1, 1981. Each member who retires after having served thirty consecutive years and whose retirement commences on or after June 1, 1985, shall be paid a retirement benefit of 60% of the salary (not to exceed \$6,000.00) he or she was receiving at the time of retirement effective June 1, 1985. This section supercedes any subdivision of the law which may be in conflict herewith. In no instance, however, shall any retired member or survivor be entitled to receive an adjustment monetarily to his, or to her retirement benefit, which he or she is now receiving.

"Provided, further, that retired personnel shall, if six of the seven trustees approve, receive, ninety (90) days after the approval, up to a maximum of 20% of any increase in salary accorded active members.

"Section 20. If any employee terminates his or her em-

ployment before becoming eligible for retirement benefits, such employee shall receive a lump payment from the Board of Trustees, within 90 days after filing a written application with said board, said lump sum payment to be based on the following scale:

“(A) From 0 to and including the 5th year said employee will receive 100% of all amounts he or she has contributed to said fund.

“(B) From 6 to and including the 10th year said employee will receive 100% of all amounts he or she has contributed plus an amount equal to 1% per year of employment contributed by the City of Gadsden.

“(C) From 11 to and including 20th year said employee will receive 100% of all amount he or she has contributed plus an amount equal to 2% per year of employment contributed by the City of Gadsden.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1979.

Time: 3:30 P.M.

Act No. 79-281

S. 44—Mitchem, Miller, Kirkland

AN ACT

To amend Section 2-2-14 of Title 2 of the Code of Alabama 1975, relating to certain employees of the Department of Agriculture and Industries now designated as “Cattle Theft Investigators” with authority of peace officers; to rename such employees as “Livestock Theft Investigators” and to authorize such employees to conduct investigations and to make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. §2-2-14 of the Code of Alabama 1975 is hereby amended to read as follows:

“§2-2-14. The commissioner of agriculture and industries, with the approval of the governor, is hereby authorized to designate as “livestock theft investigator” any employee or employees of the department of agriculture and industries performing duties relating to the enforcement of the livestock laws of this state. Such employee or employees so designated shall, in addition to other duties of employment, perform work involving

investigations and the enforcement of all laws of the state of Alabama enacted for the purpose of preventing theft and unlawful dealing in and handling of cattle and other livestock, including the enforcement of livestock sanitary and disease control laws to the end that persons who commit or who are charged with the commission of such unlawful offenses may be arrested and prosecuted therefor. Employees of the department of agriculture and industries designated and approved under the provisions of this section as "livestock theft investigators" shall, have the power and authority of peace officers for the enforcement of to prevent theft of livestock, livestock sanitary and disease control laws and any other laws relating to or governing the keeping, handling, movement and sale of livestock and such peace officers shall exercise such power and authority anywhere within the state of Alabama.

Such employees designated and approved as peace officers hereunder shall also be authorized to investigate, serve subpoenas and make arrests for the theft of any farm machinery, equipment or supplies and perform such duties with respect to any other farm related crime as well as any other unlawful offense or crime and such peace officer authority may be exercised anywhere within the State; provided, however, Livestock theft investigators shall not have the power or authority to execute search warrants.

The provisions of this section shall not be construed to change the employment status of any employee designated, authorized and approved to perform duties as livestock theft investigators as provided under this section except as expressly provided herein."

Section 2. All laws and parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 3, 1979

Time: 3:30 P.M.

Act No. 79-282

S.J.R. 77—Miller, Bailey, Weeks

SENATE JOINT RESOLUTION

CONGRATULATING AND COMMENDING MISS MOLLY MIZELL, NATIONAL "LITTLE MISS PEANUT."

WHEREAS, the Legislature of Alabama is pleased to note the selection of Molly Mizell of Ozark, Alabama, as our National "Little Miss Peanut" whose reign began this past October following festival finals; and

WHEREAS, little Molly Mizell is the daughter of Mr. and Mrs. H. Jack Mizell and is an eight-year old second grade student at Joseph Lisenby Elementary School in Ozark; and

WHEREAS, Molly is a former "All-American Little Miss" for Dale County who then won the talent division and was first alternate for the State; she also was "Little Miss Ozark" which made her eligible for the National Peanut Festival where she won her national title, "Little Miss Peanut;" and

WHEREAS, with lovely brown hair and black eyes, Molly is a charming and talented young lady who indeed has many outstanding accomplishments to her credit for one so young; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Molly Mizell of Ozark, Alabama, as our national "Little Miss Peanut"; we wish her every future success and direct that she and her parents receive copies of this resolution as evidence of our warm praise and congratulations.

Approved July 3, 1979.

Time: 3:30 P.M.

Act No. 79-283

S.J.R. 79—Miller, Bailey, Weeks

SENATE JOINT RESOLUTION

CONGRATULATING AND COMMENDING MISS TONIA KIRKLAND, NATIONAL PEANUT FESTIVAL QUEEN.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates Miss Tonia Kirkland, reigning National Peanut Festival Queen; and

WHEREAS, Tonia Kirkland, a former Miss Cottonwood, is a senior at Cottonwood High School, an outstanding student who has maintained excellent grades throughout her school career; and

WHEREAS, Miss Kirkland, the lovely daughter of Mr. and Mrs. Wayne Kirkland of Cottonwood, is to be most highly

commended for the manner in which she has so graciously and capably represented the peanut industry and our State since her selection this past October as Festival Queen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Tonia Kirkland as National Peanut Festival Queen and voice our deep appreciation for the fame and honor she has brought to the State of Alabama as our ambassador throughout the United States.

BE IT FURTHER RESOLVED, That both she and her justifiably proud parents receive copies of this resolution that they may know of our appreciation, high praise and esteem.

Approved July 3, 1979

Time: 3:30 P.M.

Act No. 79-284

S.J.R. 81—Barron

SENATE JOINT RESOLUTION

HONORING RANDOLPH G. "DOC" LURIE UPON HIS RETIREMENT AS AN ASSISTANT ATTORNEY GENERAL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

WHEREAS, Randolph G. Lurie, known to his associates and friends as 'Doc', is retiring from public service after having served as an Assistant Attorney General in the Office of the Attorney General and as Legal Advisor to the Department of Finance for a total of thirty-seven years; and

WHEREAS, he has always performed in a gentlemanly, courteous and accommodating manner; and

WHEREAS, he has contributed his expertise in matters of great importance to the State government and local governments in our great State of Alabama, and has rendered invaluable advice and aid to the members of the Legislature in the past years in drafting bills and maintaining indices of proposed legislation; and

WHEREAS, Randolph G. Lurie has served long and faithfully and meritoriously as a public servant and is held in the highest esteem by his fellow members of the Bar and is recognized as an authority in his field:

BE IT RESOLVED by the Legislature of Alabama, both Houses concurring:

That Randolph G. 'Doc' Laurie is hereby congratulated and commended for his dedicated, conscientious and valuable services in behalf of the Legislature and people of this State and we do thank him for his long and faithful service and wish him every happiness in his retirement.

BE IT FURTHER RESOLVED, that the Secretary of the Senate deliver a copy of this resolution to "Doc' Lurie as a symbol of the appreciation shown by the members of the Legislature, his fellow employees and the people of Alabama for whom he served so well.

Approved July 3, 1979

Time: 3:30 P.M.

Act No. 79-285

S.J.R. 84—Little, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, McDonald, Martin, Miller, Mitchem. Parsons, Pearson, Proctor, Robertson, Smith, St. John, Taylor, Teague, Vacca, Weeks, White

SENATE JOINT RESOLUTION

NAMING THE LIVESTOCK ARENA AT AUBURN UNIVERSITY THE "HAM WILSON LIVESTOCK ARENA."

WHEREAS, Ham Wilson has played a leading and dynamic role in the growth and development of the Livestock Industry of Alabama for the past quarter of a century; and

WHEREAS, Ham Wilson has rendered outstanding assistance to the Auburn University School of Agriculture and Extension Service in its growth and development; and

WHEREAS, Ham Wilson is recognized throughout the United States as a leader of the Beef Cattle Industry; and

WHEREAS, Ham Wilson has rendered great and valuable service to agriculture in Alabama that will impact for many years to come; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we hereby name and designate the Livestock Arena at Auburn University, the "Ham Wilson Livestock Arena."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said arena as the "Ham Wilson Livestock Arena."

RESOLVE FURTHER, That a copy of this resolution be forwarded to Mr. Wilson that he may be aware of this honorary designation in appreciation of his contributions to Auburn University and his promotion of the Livestock Industry of Alabama.

Approved July 3, 1979

Time: 3:30 P.M.

Act No. 79-286 S.J.R. 85—Figures, Smith, Pearson, Clemon,
McDonald, Lamaster

SENATE JOINT RESOLUTION

COMMENDING AND CONGRATULATING MISS PATRICIA V. McCULLEY, ALABAMA'S "MISS BLACK AMERICA" FOR 1979.

Whereas, the Legislature of Alabama is pleased to note the selection of Miss Patricia V. McCaulley as our State's "Miss Black America," crowned during the pageant finals held at the Mobile Municipal Theatre on May 27, 1979; and

WHEREAS, the lovely Miss McCaulley is the 18-year old daughter of Mr. and Mrs. O. McCaulley of Huntsville and is a 1979 graduate of Butler High School of that city; her hobbies include skating and sewing and her special talents are in speech and dance, the latter demonstrated by Miss McCaulley in a salute to the late Bill "Bo Jangles" Robinson as her presentation in the talent portion of the competition; and

WHEREAS, as "Miss Black America of Alabama," Patricia McCaulley will serve as our state's representative in the National Miss Black America Pageant to be held in July of this year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly congratulate and commend Patricia V. McCaulley of Huntsville, Alabama's 1979 "Miss Black America" and our representative to the national pageant.

BE IT FURTHER RESOLVED, That copies of this resolu-

tion be sent to Miss McCaullev and her parents that they may know of our high praise and best wishes for her every future success.

Approved July 3, 1979

Time: 3:30 P.M.

Act No. 79-287

S.J.R. 86—Goodwin

SENATE JOINT RESOLUTION

URGING A POLICY FOR THE UNITED STATES THAT PROHIBITS THE SHIPMENT OF AGRICULTURE SURPLUSES TO THOSE COUNTRIES THAT WOULD CAPITALIZE ON THE OIL SHORTAGES OF OUR NATION.

WHEREAS, it is estimated that some fifty percent of the oil consumed in the United States is imported from OPEC nations of the world; and

WHEREAS, these nations have together instituted the Organization of Petroleum Exporting Countries for the obvious and indefensible purpose of profiting from the oil shortage of the United States; even more reprehensible is the fact that these countries take such action against the United States which supplied most of the technical know-how necessary to sink wells and otherwise devise means for retrieving this valuable and necessary resource. then generously but foolishly allowed the OPEC nations to take over our oil companies; and

WHEREAS, the United States currently shares, as it has traditionally, its agricultural surpluses with those nations in need, including members of the OPEC nations, without exploiting the food shortages of said recipients, either through threat of embargo or by a constant and precipitous rise in price; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most earnestly and urgently request that the President of the United States and the Congress take immediate and all necessary action to adopt a policy for the United States that would prohibit the shipment of agricultural surpluses to any country in the world that would, through individual action or through joint action of conspiracy between one or more nations, exploit our nation's oil shortage in any manner whatsoever.

BE IT FURTHER RESOLVED, That this body is totally and diametrically opposed to a present policy which not only

continues to supply the needs of foreign ingrates regardless of their export policy toward the United States, but oftentimes at prices far below those paid by American consumers.

RESOLVED FURTHER, That copies of this resolution be sent to President Carter and to all members of the Alabama Congressional Delegation in Washington, D. C.

Approved July 3, 1979

Time: 3:30 P.M.

Act No. 79-288

S.J.R. 88—Bailey

SENATE JOINT RESOLUTION

COMMENDING COMMANDER JUSTICE BIGBEE OF THE VETERANS OF FOREIGN WARS STATE ORGANIZATION.

WHEREAS, Justice Bigbee, Houston County native and longtime resident of Dothan, Alabama, is a retired Chief Petty Officer of the United States Navy whose service to his country included three tours of duty in Viet Nam; and

WHEREAS, in 1967-1970, while serving as Commander of Wiregrass Post Number 3073 of the VFW, Justice Bigbee was named one of the twenty most outstanding post commanders in the United States, a most signal honor in view of the fact that there are some 3,000 VFW posts throughout the nation; and

WHEREAS, he served in 1970 and 1971 as State Chief of Staff for the Alabama VFW and was elected state Junior Vice Commander for the 1976-77 year; as a result of his performance, he was elected to serve as state Senior Vice Commander and was then elected by delegates at the state convention to serve as Commander from July 1, 1978 to July 1, 1979; and

WHEREAS, during Commander Bigbee's tenure, it is to be noted that state membership in the VFW has exceeded all records, surpassing the previous all-time high by some 1,000 members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Commander Justice Bigbee of Dothan, Alabama, for outstanding achievement and for his many contributions of leadership in the Veterans of Foreign Wars, on both the local and statewide level.

BE IT FURTHER RESOLVED, That Commander Bigbee receive a copy of this resolution as a token of our deep appreciation, admiration and esteem.

Approved July 3, 1979

Time: 3:30 P.M.

Act No. 79-289 S.J.R. 93—Callahan, Bailey, Barron, Britnell,
Cook, deGraffenried, Denton,
Figures, Glass, Goodwin, Gulledge,
Hall, Harrison, Higginbotham,
Holmes, Keener, Kirkland,
Lemaster, Little, McDonald,
Martin, Miller, Mitchem, Parsons,
Pearson, Proctor, Robertson,
Smith, St. John, Taylor, Teague,
Vacca, Weeks, White

SENATE JOINT RESOLUTION

URGING CONFIRMATION BY THE PRESIDENT OF
STATE SENATOR U. W. CLEMON OF BIRMINGHAM AS
JUDGE OF UNITED STATES DISTRICT COURT, NORTHERN
DISTRICT OF ALABAMA.

WHEREAS, U. W. Clemon of Birmingham, who is a graduate of Miles College and of Columbia University School of Law, is a practicing attorney in Birmingham and is serving his second term as our colleague in the Alabama Senate; and

WHEREAS, Alabama U. S. Senators Howell Heflin and Donald Stewart, recognizing that our friend Mr. Clemon is eminently qualified to serve as Judge of the United States District Court, Northern District of Alabama, have submitted his name for consideration by the President; and

WHEREAS, the members of the Alabama Legislature, having been privileged to serve with the Honorable U. W. Clemon, are cognizant not only of the outstanding credentials possessed by Mr. Clemon but also of his legal acumen and zealous dedication to the profession he has served so well and for so many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request the President to give immediate consideration to the nomination by Senators Heflin and Stewart of Alabama of State Senator U. W. Clemon to the vacancy in District

Court, Northern District of Alabama, with hopeful assurance that confirmation might be at once forthcoming.

Approved July 3, 1979

Time: 3:30 P.M.

Act No. 79-290

S.J.R. 97—Miller

SENATE JOINT RESOLUTION

HONORING DAVID McCALL, PRESIDENT OF THE ALABAMA FFA ASSOCIATION FOR 1979-1980.

WHEREAS, in pleased recognition of outstanding accomplishment, the Legislature of Alabama most highly commends David McCall of Opp, Alabama, president of the Alabama FFA Association for the 1979-1980 school year; and

WHEREAS, David McCall is a rising senior at Opp High School, an above average student who is much admired and respected by both faculty and classmates alike; he is an actively involved member of the Gridertown Church of Christ in Opp and also has competed for some three years as a public speaker on local, county and district levels, in addition to his dedicated participation in the FFA Association in Alabama which consists of more than 380 chapters with a membership of 27,000; and

WHEREAS, David McCall has contributed greatly to this fine organization through his service as president of both the Opp and Covington County FFA Chapters and as Southeast District Officer; and

WHEREAS, on June 5, 1979, he was prestigiously elected to lead the State FFA Association for 1979-80 and, as such, will travel extensively throughout Alabama and also represent our state at meetings and conferences in Washington, D. C., and Kansas City, Missouri; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend David McCall for extraordinary achievement and wish him every future success in his teaching career in Agribusiness and in his ambitions for public service involvement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to David and to his parents, Mr. and Mrs. Johnnie McCall, with a copy also to Principal W. Robert Waller of Opp High School for appropriate school display.

Approved July 3, 1979

Time: 3:30 P.M.

Act No. 79-291	S.J.R. 106—deGraffenried, Bailey, Barron, Britnell, Callahan, Clemon, Cook, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, McDonald, Martin, Miller, Mitchem, Parsons, Pearson, Proctor, Smith, St. John, Taylor, Teague, Vacca, Weeks, White
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SENATE JOINT RESOLUTION

DEPLORING RECENT ACTS OF VIOLENCE IN OUR STATE AS THE RESULT OF A TRUCKERS' STRIKE AND COMMENDING THE GOVERNOR FOR HIS STEPS TO INSURE THE SAFETY OF ALL IN THE STATE OF ALABAMA.

WHEREAS, recent acts of violence and bloodshed have regrettably occurred in the State of Alabama creating cause for great concern by this body for the safety and security of the person and property of all our citizens and of those passing through our state; and

WHEREAS, as a result of a strike by numerous independent truckers, there have been instances of trucks blocking the pumps at service stations so that drivers are unable to obtain gasoline, and perishable goods, in many instances, are being denied delivery to market; of an even more serious and grievous nature are instances of gunfire with one such reprehensible act resulting in the hospitalization of a trucker's wife who is in critical condition in a Tuscaloosa hospital; and

WHEREAS, the Legislature, approvingly notes that Governor James, in order to insure the protection of citizens and the safe passage of all traffic through our state, has activated the Alabama National Guard; we strongly support his vow to use every available resource to maintain law and order and urge that he do so immediately; now there,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we vehemently deplore any and all acts of violence which have occurred as a result of the current strike by many of our in-

dependent truckers and strongly support Governor James in the use of Alabama National Guard troops, Alabama State Troopers and all other resources to maintain law and order in the State of Alabama.

BE IT FURTHER RESOLVED, That we call upon strikers and all other citizens alike to conduct themselves as law abiding citizens that we may, together, avert crises in the State of Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to Governor James as evidence of our support of and concurrence with his efforts in this matter.

Approved July 3, 1979.

Time: 3:30 P.M.

Act No. 79-292 S.J.R. 107—Robertson, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, McDonald, Martin, Miller, Mitchem, Parsons, Pearson, Proctor, Smith, St. John, Taylor, Teague, Vacca, Weeks, White

SENATE JOINT RESOLUTION

DESIGNATING JULY 9, 1979, "MUNNY SOKOL DAY" IN TUSCALOOSA, ALABAMA.

WHEREAS, Mr. Morris "Munny" Sokol, retired Tuscaloosa businessman, is a native of Birmingham who was educated in the public schools of that city and is a University of Alabama graduate in Business Administration; he also attended the University's School of Law and is a U. S. Army veteran of World War II who advanced from the rank of private to Captain and served in the European Theatre of Operations; and

WHEREAS, Munny Sokol is a first generation American whose parents emigrated to this country from Europe in 1906; he is a member and serves as finance chairman of the Temple Emanuel in Tuscaloosa, is also co-chairman of the Temple's building fund, past chairman of the building committee and a past president of B'nai B'rith Lodge and the Federation of Jewish Charities; and

WHEREAS, Mr. Sokol is an established leader in all phases of community life; dedicated to serving the needs of others, he has for many years given generously of his time and talents, interest, efforts and resources to numerous charitable and civic organizations; and

WHEREAS, the United Fund, Salvation Army, the Scout program, Boys' Ranch, and many other worthwhile organizations have benefitted from Munny Sokol's dedicated labors as have the Exchange Club, Chamber of Commerce, Tuscaloosa County Industrial Board and many, many others; and

WHEREAS, his awards and honors have been many, the latest of which is Tuscaloosa's "Munny Sokol Park," named and dedicated in his honor and in appreciation of his humanitarian efforts on behalf of his fellow man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in recognition of extraordinary service to others and in tribute to one of our state's most outstanding citizens, this body hereby designates July 9, 1979, "Munny Sokol Day" in Tuscaloosa, Alabama, the community he has loved and served so well.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to Mr. Sokol as a memento of this honorary designation and as evidence of our appreciation, praise and esteem.

Approved July 3, 1979

Time: 3:30 P.M.

Act No. 79-293

H.J.R. 233—Turnham

HOUSE JOINT RESOLUTION

WHEREAS, Professor Robert G. Pitts is retiring as Head of the Department of Aerospace Engineering at Auburn University after 44 years, having served under every Dean of the School of Engineering; and

WHEREAS, in early 1939 he was instrumental in obtaining gifts of stock and the conveyance of land from Auburn-Opelika Airport, Inc., to the Alabama Polytechnic Institute and arranging for the purchase of additional lands from surrounding property holders; and

WHEREAS, he supplied the motivating force which brought the development of suitable runways and the building

of the first hanger in order that the Auburn-Opelika Airport might qualify for a Federally-sponsored Civilian Pilot Training Program (CPTP); and

WHEREAS, during the period between 1939 and 1944 over 400 civilian pilots and nearly 1,000 military pilots were trained in the CAA programs under the direction of Professor Pitts; and

WHEREAS, he has contributed invaluable service to his county, to the people of the State of Alabama and to Auburn University through his years of tireless effort in maintaining and continually upgrading the Auburn-Opelika Airport and the Auburn School of Aviation so that the airport is now a modern installation with both scheduled and charter service and instruction facilities; and

WHEREAS, the Auburn University Board of Trustees has unanimously recommended the naming of the Auburn-Opelika Airport for Professor Pitts, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that Auburn-Opelika Airport is named the Auburn-Opelika Robert G. Pitts Airport.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Professor Pitts so that he will know of the Legislature's appreciation of his service to the people of Alabama.

Approved July 3, 1979

Time: 3:30 P.M.

Act No. 79-294

H.J.R. 237—Venable, McKee

HOUSE JOINT RESOLUTION

EXPRESSING SYMPATHY TO THE FAMILY OF BILL STEWART

WHEREAS, ABC-TV Newsman, Bill Stewart, was brutally killed by a Nicaraguan National Guardsman while performing his duty on Wednesday, June 20, 1979; and

WHEREAS, it is important to the safety and welfare of the United States that American Newsmen are allowed to report on activities in other nations; and

WHEREAS, violence against American Citizens is becoming commonplace in many nations; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE,

BOTH HOUSES THEREOF CONCURRING, That we extend our sympathy to the family of Bill Stewart and memorialize the President of the United States to take whatever action necessary to see that American Newsmen and other United States Citizens are protected from such violent acts in other countries of the world.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to the family of Bill Stewart, the American Broadcasting Company and to the President of the United States.

Approved July 3, 1979

Time: 3:30 P.M.

Act No. 79-295

H. 64—Warren

AN ACT

Relating to Conecuh County, to provide a county salary supplement for the chairman and each member of the county commission, retroactively effective to January 15, 1979.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective January 15, 1979, the chairman and each member of the governing body of Conecuh County shall receive an additional salary of \$200.00 per month, payable from the general fund of Conecuh County.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall be retroactively effective to January 15, 1979.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-296

H. 169—Warren

AN ACT

Relating to Conecuh County; to provide for an additional expense allowance for the county coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The county coroner of Conecuh County shall be entitled to an additional expense allowance in the amount of \$100 per month. Said expense allowance shall be paid out of the county general fund and shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

Section 2. The provisions of this act shall be retroactively effective to January 15, 1979.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-297

H. 287—Gafford

AN ACT

Relating to Jefferson County; providing for and requiring the re-identification of each qualified elector in the county in 1971 and in 1981 and in each fourth year thereafter; requiring the Board of Registrars to take the necessary action to purge the lists of the qualified electors in the county in 1981 and in each fourth year thereafter; authorizing the employment of investigators to assist in purging such lists; and providing that any person making a wilfully false statement in connection with reidentification shall be guilty of perjury.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Registrars in Jefferson County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all who are deceased or non-residents of the county or have otherwise become disqualified from voting therein shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The Board of Registrars in the county shall have authority to omit and remove from the list of qualified electors in the county the same of any person who fails to reidentify himself to the Board of Registrars in one of the ways hereinafter provided during each of the years 1971 and 1981 and each fourth year thereafter. Provided, that no person who has registered as a qualified elector of such county during 1971 and 1981 or during, any fourth year thereafter shall be required so to reidentify himself during such year in which he originally registered. A person whose name shall be removed from the list of qualified electors as herein provided does not cease to be a qualified elector and shall not be subject to re-registration but

shall be subject only to the requirement that he reidentify himself as a duly registered elector before being entitled to be listed on the list of qualified electors in the county.

Section 3. A voter may reidentify himself in any one of the following ways: (a) He may reidentify himself by appearing in person at the office of the Board of Registrars and answering such questions and submitting such proof as may reasonably be required by the Board of Registrars or one of its duly authorized employees to establish his identity and place of legal residence and that he has not become disqualified from voting in the county. (b) He may reidentify himself by filling in and mailing to the office of the Board of Registrars the completed answers to such questions as may reasonably be propounded and mailed to him in a written questionnaire by the Board of Registrars. Such questionnaire may contain such questions as are reasonably necessary to establish the identity of the person signing such questionnaire, the place of his legal residence, and that he has not become disqualified from voting in Jefferson County. All answers to such questionnaires shall be signed by the elector in the presence of at least two witnesses who are qualified electors of the county and who shall sign his answers as attesting witnesses. (c) He may reidentify himself at any election at which he votes during 1971 or 1981 (or any fourth year thereafter), by filling out and signing answers to the questionnaire prepared by the Board of Registrars in the presence of a clerk, manager or returning officer at such election. Such clerk, manager or returning officer shall sign the answers of such voter as an attesting witness. The returning officer shall transmit all such filled in and signed answers to questionnaires to such Board of Registrars. (d) Any voter who has been purged from the list of qualified electors for failure to reidentify may reidentify himself on any election day at the office of the Board of Registrars by appearing in person. He will be given a certificate to take to the polls in order to vote on that day.

Section 4. The Board of Registrars in the county shall furnish a sufficient number of questionnaires to the sheriff or party executive committee or other officer or agency or committee charged with the duty of sending out election supplies for each election held in 1971 and for each election held in 1981 or in any fourth year thereafter. The sheriff, party executive committee or other officer or agency or committee shall cause a sufficient number of questionnaires to be sent to each voting place at each election to be held during 1971 or 1981 or any fourth year thereafter.

Section 5. Any qualified elector in the county whose name shall be omitted or removed from the list of qualified electors

in such county by reason of his failure to reidentify himself as provided in Section 3 or who shall be otherwise purged from such list shall be entitled to have his name restored to the list of qualified electors by reidentifying himself.

Section 6. Subject to the approval of the county governing body, the Board of Registrars shall have authority to employ such investigators as may be necessary to enable them to purge the voting list. Any such employees shall be subject to the provisions of any merit system or civil service law which may be applicable to the county.

Section 7. It shall be the duty of the Board of Registrars in the county to notify each person whose name shall be removed from the list of qualified electors, whether by purging or for failure of such elector to reidentify himself as herein provided, by first class mail or postal card addressed to his last known address as shown by the records of the Board.

Section 8. Any person who makes a wilfully false statement in answer to any question on a reidentification questionnaire or in response to reidentification questions put to him by the Board of Registrars or any of its employees shall be guilty of perjury and upon conviction, shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

Section 9. The reidentification of voters shall begin January 2, 1971 and close December 31, 1971, and shall begin again January 2, 1981, and close December 31, 1981, and shall again open and close at the beginning and ending of each fourth year thereafter.

Section 10. The provisions of this Act are severable. If any section, provision or clause shall be held illegal, invalid or unconstitutional by a court of competent jurisdiction, the remaining sections, provisions and clauses shall nevertheless stand and be construed as if the legal, unconstitutional or invalid provisions had not been included herein.

Section 11. Upon the effective date of this act, all laws or parts of laws which conflict with the provisions herein are repealed.

Section 12. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming law, except as herein otherwise provided.

Approved July 3, 1979.

Time: 3:45 P.M.

Act No. 79-298

H. 288—Gafford

AN ACT

Relating to counties having a population of 500,000 or more according to the last or any subsequent federal census in 1961, 1971 and in any tenth year thereafter; repealing Act No. 530, H. 1096 of the 1959 Regular Session (Acts 1959, Vol. 2, p. 1305), as last amended, relating to voter reidentification and requiring the Board of Registrars in any such county to periodically purge lists of the qualified electors, entitled, "An Act To provide for and require the reidentification of each qualified elector in all counties in the State having a population of 500,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a wilfully false statement in connection with his reidentification shall be guilty of perjury."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No 530, H. 1096 of the 1959 Regular Session (Acts 1959, Vol. 2, p. 1305), as last amended, relating to counties having a population of 500,000 or more according to the last or any subsequent Federal census in 1961, 1971 and in any tenth year thereafter, and pertaining to the Board of Registrars of such counties, the purging of the lists of qualified voters, and voter reidentification, and entitled, "An Act to provide for and require the reidentification of each qualified elector in all counties in the State having a population of 500,000 or more according to the last or any subsequent Federal census, in 1961, 1971 and in each tenth year thereafter; and to require the Board of Registrars in any such county to take the necessary action to purge the lists of the qualified electors in any such county and to authorize the employment of investigators to assist in purging such lists; and to provide that any person making a wilfully false statement in connection with his reidentification shall be guilty of perjury," is hereby repealed.

Section 2. This Act shall become effective January 2, 1981.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-299

H. 571—Warren

AN ACT

Relating to Conecuh County; to amend Section 1 of Act No. 241, H. 386, 1973 Regular Session (Acts of 1973, p. 272), which act imposes a tax on malt or brewed alcoholic beverages, so as to further provide for such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 241, H. 386. 1973 Regular Session (Acts of 1973, p. 272) is hereby amended to read as follows:

“Section 1. There is hereby levied a privilege of license tax on all persons, firms and corporations, selling, distributing or delivering to retailers in Conecuh County, any malt or brewed beverages (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume), which tax shall be in an amount equal to three cents (\$.03) on each eight (8) fluid oz., on each twelve (12) fluid oz., and on each sixteen (16) fluid ounce sold or distributed within the County, including within all municipalities located within the County.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-300

H. 597—McCorquodale

AN ACT

Relating to counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the 1970 or any subsequent federal decennial census; to regulate and control the operation and licensing of massage parlors and provides penalties for violations of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The following words and terms as used in this act shall, unless the context requires a different meaning, have the meanings respectively ascribed to them by this section:

(A.) The term “massage parlor” shall mean any establishment, building, room, or place other than a regularly licensed hospital, medical clinic, nursing home, or dispensary, the offices of a physician, a surgeon, or an osteopath, where non-medical, non-surgical, non-osteopathic, and non-chiropractic manipulative exercises, massages, or procedures are practiced upon the

human body, or any part thereof, for other than cosmetic or beautifying purposes, with or without the use of mechanical or other devices, by anyone not a physician, surgeon, osteopath, or chiropractor or of a similarly registered status, and shall include any place where baths, exercises, or similar services are offered

(B.) The term "masseur (male) and masseuse (female)" is a person who practices any one or more of the arts of body massage, either by hand or mechanical apparatus, oil rubs, corrective gymnastics, mechanotherapy, including color therapy, dietetics, hot packs, cabinet, tub, shower, sitz, vapor, steam, or any other special type of bath.

(C.) The word "establishment" shall mean a place of business or operation of any kind.

(D.) The word "person" shall include a firm, partnership, association of persons, corporation, organization, or any other group acting as a unit.

Section 3. It shall be unlawful for any person to operate a massage parlor as herein defined without first having acquired from the county governing body a license for the operation of said business as required by this act.

Section 4. Any massage parlor licensed by the county governing body shall at all times comply with all health regulations, rules, and requirements as shall now or hereafter be promulgated by the State Board of Health, and any premises used for the purposes of a massage parlor shall, during all hours of operation, be made open and available to inspection by duly authorized county officials for the purpose of assuring compliance with said health rules, regulations, and requirements. Each massage parlor shall be equipped with toilet and lavatory facilities for patrons and separate readily toilet and lavatory facilities for employees, and each operating area shall be equipped with a hand lavatory.

Section 5. (A.) No towels, wash cloths, or other linen items shall come in contact with the body or any other part thereof of any customer or patron at a massage parlor that has not been boiled and laundered since last used.

(B.) Every person applying or administering massages shall cleanse his or her hands thoroughly by washing same with soap and hot water before attending or massaging any person.

(C.) Any person while applying or administering massages shall be clothed from the shoulders to the knees by a robe, smock, or other opaque apparel so that the patron or customer shall be protected from bodily contact with the person applying

or administering the massage except for the hands and arms of said person applying or administering said massage.

(D.) Any massage parlor licensed pursuant to this act shall be equipped with running hot and cold water, and with all appliances, furnishings, and materials as may be necessary to enable persons employed in and about said massage parlor to comply with the provisions of this act.

Section 6. No massage parlor shall be used as and for a dormitory or place of sleep, nor shall any licensee under this act permit any massage parlor to be so used.

Section 7. No massage shall be administered or applied by any licensee hereunder or any employee, operator, or attendant while working for such licensee, except in or upon the premises or regular place of business of said licensee where said license is regularly displayed and at the place and location designated for the operation of said massage parlor in said license.

Section 8. No masseur, masseuse, or other employee or attendant in any massage parlor shall apply or administer any massage or other treatment to any person behind locked doors.

Section 9. Subsequent to the effective date of this act, it shall be unlawful for any masseur, masseuse, or other employee or attendant to administer massages in any massage parlor within the county without first, and within six months from the date thereof, having secured a written verification from a licensed Alabama physician that the said person or employee is free of any contagious, infectious, or communicable disease, and said masseur, masseuse, or other employee or attendant of any massage parlor shall, at all times while on duty or working in any such massage parlor, have upon his or her person, said written medical verification.

Section 10. It shall be unlawful for any person to render any service to the public upon the premises of a massage parlor within the county except during the time that the establishment is open with free access thereto by the public, during which time all portions of such establishment shall be open to the inspection of any county official and to any law-enforcement officer of the State, or of the jurisdiction where said establishment is located.

Section 11. It shall be unlawful for the owner, manager, or supervisor of a massage parlor within the county to allow, authorize, or tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of Alabama including such laws proscribing acts of prostitution, sodomy, adultery, fornication, or any lewd or obscene act or performance.

Any final conviction of any owner, manager, or supervisor of any massage parlor of a violation of the foregoing mentioned acts occurring on or in connection with the establishment shall automatically terminate the license of said establishment and the county governing body shall so notify the holder thereof, and no new license for the operation of a massage parlor on the same premises thereafter shall be issued by the county governing body for a period of one year.

Section 12. It shall be unlawful for any person to operate a massage parlor, regardless of whether it is a public or private facility, or any bath parlor, or any similar type business within the county, where any physical contact with the recipient of such service is provided by a person of the opposite sex. Any person violating the provisions of this act shall, upon conviction, be punished by fine of \$500.00 or twelve months in jail, one or both; and in addition, final conviction of any owner, manager, or person in charge of premises upon which a massage parlor is operated shall automatically terminate the license of said establishment and the county governing body shall so notify the holder thereof, and no new license for the operation of a massage parlor on the same premises shall thereafter be issued by the county governing body for a period of one year.

Section 13. It shall be unlawful for any masseur, masseuse, attendant, or person employed in a massage parlor within the county to massage or in any way touch the genital organs of another in connection with any massage or other service rendered by said establishment. It shall be unlawful for any person to advertise or offer any massage or physical touching of the genital organs of another in connection with such a massage.

Section 14. Any license issued hereunder by the county governing body upon the violation of any section, requirement, or provision of this act by the licensee or any agent, attendant, or other employee of said licensee, provided the licensee shall first be notified of said violation and be afforded a hearing before the said county governing body. Written notice of any violation hereunder and any hearing thereon before the county governing body may be given to licensees by delivering said notice by hand to licensee, or in his absence to any adult person employed by licensee at the licensed premises or the deposit of said notice postage prepaid with the United States Postal Service and addressed to licensee at the licensed premises, not less than ten (10) days prior to such hearing before the county governing body and the licensee may present such evidence as he shall wish to the said governing body. In the event of any revocation of a license for the operation of a massage parlor in accordance with this section, said licensee shall not be entitled

to the issuance of a subsequent license for the operation of a massage parlor in the county within twelve (12) months following the date of said revocation.

Section 15. Any person who shall violate any provision or section of this act for which a penalty is not otherwise provided, or who shall do any act made unlawful by this act for which a penalty is not otherwise provided, shall, upon conviction thereof, be guilty of a Class B misdemeanor as defined in Act No. 607, S. 33, of the 1977 Regular Session (Acts 1977, p. 812).

Section 16. It is hereby declared to be the intention of the Legislature that the sections, paragraphs, sentences, clauses, and phrases of this act are severable; and if any phrase, clause, sentence, paragraph, or section of same shall be declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not effect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this act, since the same would have been enacted by the Legislature without the incorporation in this act of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

Section 17. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-301

H. 658—Reed

AN ACT

Relating to Macon County; providing further for the advertisement of notice of intention to apply for passage of local laws.

Be It Enacted by the Legislature of Alabama:

Section 1. No person or persons shall advertise notice of intention to apply for passage of local legislation affecting Macon County in the legislature of Alabama unless such person or persons shall be identified by name and address and shall clearly state whether such person or persons are members of the legislature or are not members of the legislature.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-302

H. 682—Smith (C)

AN ACT

Relating to Chilton County; to provide further for the salaries of certain county officials.

Be It Enacted by the Legislature of Alabama

Section 1. The following officers of Chilton County shall, commencing at their next term of office, be entitled to receive compensation as follows:

- (a) The tax assessor, an annual salary of \$22,000
- (b) The tax collector, an annual salary of \$22,000.

Such salaries shall be paid in lieu of all other compensation heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-303

H. 696—Smith (C)

AN ACT

Relating to Chilton County; permitting the sheriff to hire and maintain additional deputies under the Comprehensive Employment and Training Programs.

Be It Enacted by the Legislature of Alabama:

Section 1. In Chilton County, the sheriff shall have the authority to hire and maintain additional deputies under the Comprehensive Employment and Training Programs. No county funds shall be expended for this purpose.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-304

H. 701—Willis

AN ACT

To repeal Act No. 945, H. 1401, 1975 Regular Session, (Acts 1975, p. 1970), entitled "An Act To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 945, H. 1401, 1975 Regular Session, (Acts 1975, p. 1970), entitled "An Act To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city, defining violations of the act; imposing penalties for violations; and repealing conflicting laws," is hereby specifically repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-305

H. 765—Campbell, Willis, Crow

AN ACT

To alter, rearrange and extend the boundaries and corporate limits

of the City of Anniston, Calhoun County, Alabama, so as to annex certain territory of the City.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Anniston, Calhoun County, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of the City, the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

The Northwest Quarter of Section 19, Township 16 South, Range 8 East in Calhoun County, Alabama, less and except one tract of land 100 feet by 150 feet situated in the exact southeast corner of said property.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-306

H. 42—Holley

AN ACT

To amend Section 40-28-1, Code of Alabama, 1975, so that municipalities located in counties which prohibit the sale of alcoholic beverages and which are not served by the Tennessee Valley Authority shall share with such counties in the funds to be distributed by the state of Alabama from in-lieu-of-taxes payments made to it by the Tennessee Valley Authority and to establish procedures and methods for calculating the shares of such counties in such funds and calculating the methods of divisions of such funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-28-1, Code of Alabama, 1975, is amended to read as follows:

“§-40-28-1. Distribution of in-lieu-of-taxes payments by Tennessee Valley Authority to counties served by Tennessee Valley Authority and to dry counties not served by Tennessee Valley Authority.

(a) For the fiscal year beginning October 1, 1979, the state of Alabama will transfer to the counties in Alabama served by the Tennessee Valley Authority a portion of the in-lieu-of-taxes payments made by the Tennessee Valley Authority to the state of Alabama. This transfer of funds will be in an amount

large enough to cause local governments in the area served by the Tennessee Valley Authority to receive at least 20 percent of the total in-lieu-of-taxes payments made by the Tennessee Valley Authority and its distributors to all levels of government in Alabama. In fiscal years beginning after October 1, 1979, the percentage of the in-lieu-of-taxes payments received by this local governments shall be increased 10 percent each fiscal year after the fiscal year beginning October 1, 1979, until 70 percent is obtained, and in the fiscal year beginning October 1, 1985, the amount shall be increased five percent until 75 percent of the total in-lieu-of-taxes payments are distributed to these local governments. Payments will continue at this level of distribution each year thereafter.

(b) Five percent of the total amount of the state receives in lieu of tax payments from the Tennessee Valley Authority shall be distributed back to the counties and municipalities which prohibit the sale of alcoholic beverages and are not served by the Tennessee Valley Authority, and such sum shall be distributed as follows:

(1) The sum the alcoholic beverage control board distributes during the fiscal year of 1979 to all such respective counties and the municipalities in such counties shall be totaled.

(2) The percentage of the respective total for each county to the total sum distributed and made to all such counties and municipalities in fiscal year 1979 shall be calculated.

(3) The percentage obtained under paragraph (2) above, shall then be applied to the total sum of in lieu of tax payments provided for in this subsection (b) to be distributed to determine the distribution payable to each such county for division between such county and the municipalities located in such county.

(4) The distribution of such in lieu of tax payments between the county and the municipalities in such county shall be made pro rata on the basis of revenues received from the Alcoholic Beverage Control Board by each such jurisdiction in the fiscal year 1979 to the total of distributions from the Alcoholic Beverage Control Board to the county and all municipalities in such county in the fiscal year 1979.

(c) Any county which is eligible to receive funds under the provisions of section 40-82-2 and which prohibits the sale of alcoholic beverages shall receive from that portion of in lieu of tax payment funds not less than that sum which such county would receive if that county were eligible for payments from the distribution, by the Alabama alcoholic beverage control

board, of taxes and profits from the sale of alcoholic beverages for the previous fiscal year.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-307

H. 646—Whatley

AN ACT

To amend Title 8, Section 8-17-91 of the Code of Alabama 1975 relating to the disposition of permit fees, inspection fees and penalties paid to the Commissioner of Agriculture and Industries pursuant to Sections 8-17-85 and 8-17-87 of the Code of Alabama of 1975, so as to provide that ten per cent (10%) of the amount collected thereunder each month or not less than \$55,000.00 of such monthly collections shall accrue to the credit of, and be deposited in, the agricultural fund of the state treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-17-91, Code of Alabama 1975, is hereby amended to read as follows:

“8-17-91(a) The proceeds from the permit fees, inspection fees and penalties, if any, collected by the commissioner of agriculture and industries pursuant to the provisions of this division shall be paid into the state treasury and distributed as follows:

“(1) Ten per cent (10%) of the proceeds or no less than \$55,000.00, whichever is greater, of such proceeds received each month shall accrue to the credit of, and be deposited in, the agricultural fund; and

“(2) The balance or residue of the said proceeds collected each month shall accrue to the credit of, and be deposited in, the public road and bridge fund.

“(b) In the event of the collection hereunder from any person of an amount in excess of the amount of all permit fees, inspection fees or penalties properly and lawfully required to be paid by such person, such person may apply to the commissioner or agriculture and industries for a refund of the amount of such overpayment. If such application for refund is approved in whole or in part by the commissioner, the commissioner shall submit to the state comptroller a statement, approved by the state attorney general, setting forth the amount determined to have been overpaid and the date of the overpayment. The state comptroller shall then draw his warrant in favor of the person

making such overpayment upon the state treasurer for the amount specified in the said statement, and such amount shall be charged to, and paid out of, the public road and bridge fund.

“(c) The application for refund provided for in this section must be filed with the commissioner of agriculture and industries within 12 calendar months from the date upon which the overpayment was made, and no amount shall be refunded unless the application therefor is filed within the time prescribed herein.

“(d) The department of agriculture and industries shall have authority to make and issue rules and regulations relating to the procedure to be followed in filing an application for a refund and for payment of any refund made under this section.”

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The Act shall become effective on October 1, 1979.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-308

S.J.R. 70—Harrison

SENATE JOINT RESOLUTION

ADOMISHING THE U.S.S.R. FOR ITS REFUSAL TO ADHERE TO THE TERMS OF THE 1973 UNITED NATIONS DECLARATION OF HUMAN RIGHTS AND THE 1975 CONFERENCE ON EUROPEAN SECURITY AND COOPERATION BY NOT ALLOWING THE PETER VASCHENKO AND VLADIMIR SLEPAH FAMILIES TO EMIGRATE FROM THE U.S.S.R.

WHEREAS, the Universal Declaration of Human Rights was signed by the U.S.S.R., which declaration guaranteed to all people the right of free emigration; and

WHEREAS, the U.S.S.R. refuses to abide by the terms of both the Declaration and the Accords in that the U.S.S.R. among other things refuses to permit free emigration and refuses to recognize the rights of its citizens to leave the country permanently; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA

BAMA, BOTH HOUSES THEREOF CONCURRING, That we admonish the U.S.S.R. for its refusal to grant exit visas and emigration to the Peter Vaschenko and Vladimir Slepah families.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the President of the United States, the Secretary of State of the United States, the Secretary of State of the United States, the Secretary of the Central Committee of the Communist Party of the U.S.S.R., and the U.S.S.R. Ambassador to the United States.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-309

H. 39—Wyatt

AN ACT

To provide for refunds on overpayment or erroneous payment of taxes or licenses to the alcoholic beverage control board, and for refunds of taxes prepaid to board where losses of tax paid alcoholic beverages are sustained prior to sale of alcoholic beverages at retail; and to provide a refund procedure.

Be It Enacted by the Legislature of Alabama:

Section 1. Refund on overpayment or erroneous payment of taxes or licenses to alcoholic beverage control board and of prepaid taxes on alcoholic beverages where loss sustained prior to sale at retail.—Where any licensee of the alcoholic beverage control board in the payment of taxes or licenses which are paid directly to the board, and where by a mistake of fact or law has paid an amount in excess of the amount due or has made an erroneous payment, or where taxes have been prepaid to the board and the alcoholic beverages upon which the tax has been prepaid is, prior to the sale of the same at retail, lost or destroyed by fire, theft or casualty or is damaged by fire or other casualty resulting in destruction of or damage to the beverages or beverages containers, the comptroller is authorized to draw his warrant on the treasurer in favor of such licensee, and the treasurer is authorized to pay such warrant for the amount of such overpayment or erroneous payment or prepayment of taxes or licenses. Provided, however, claims for less than \$250 must be accumulated until a total claim of at least \$250 has been reached or for a period of three years whichever, first occurs.

Before any refund under this section can be made the licensee, its heirs, successors or assigns, shall file in duplicate,

petition directed to the board, setting up the fact relied on to procure the refunding of the money erroneously paid or pre-paid. Such application must be made within three years from the date of such payment.

The board shall examine said petition and the records of the licensee and the board, and if the facts set forth in the petition are such as to entitle the petitioner to the refunding of the money as prayed for and the board, upon the evidence adduced is satisfied that the petitioner is entitled to the refund as prayed for, it shall so certify to the comptroller stating the amount to be refunded by the state, the particular fund on which such warrant shall be drawn and forward to the comptroller copy of the petition with the certificate attached, and if the comptroller shall be satisfied that the petition is in form required by law, he shall draw his warrant on the treasurer as hereinbefore provided for the amount certified to him by the board.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-310

H. 118—Whatley

AN ACT

To amend Title 2, Section 2-21-24 of the Code of Alabama of 1975 relating to the sale of commercial feed to clarify the application thereof and to omit the requirement that the minimum inspection fee to be paid by any licensee to sell or distribute commercial feed shall be \$10.00 per quarter.

Be It Enacted by the Legislature of Alabama:

Section 1. To amend §2-21-24 of the Code of Alabama 1975 so as to read as follows:

§ 2-21-24. Inspection fees and reports.—(a) an inspection fee at the rate of 20 cents per ton shall be paid on commercial feeds by every person who distributes the commercial feed distributed in this state exempting bulk grain; except that:

“(1) The inspection fee shall be paid only once on any commercial feed, feed ingredients, customer-formula feeds or or parts thereof. Commercial feeds, feed ingredients, customer-formula feeds or parts thereof on which the inspection fee

has not been paid by the distributor or previous distributor shall be subject to the inspection fee.

“(2) No fee shall be paid on “vertical-integrator feed” or on the ingredient used to manufacture a “vertical-integrator feed.” Any services the Department of Agriculture and Industries provides manufacturers of “vertical-integrator feed” in relation to this chapter shall be paid for according to fees established by the Board.

“(3) In the case of a commercial feed distributed in this State in packages or containers of less than six ounces an annual fee of \$25.00 per brand shall be paid the commissioner in lieu of the inspection fee specified above.

“(b)” Each person who is liable for the payment of such fee also shall:

“(1) File, not later than the last day of January, April, July and October of each year, a quarterly statement, setting forth the number of net tons of commercial feeds distributed in this State during the preceding calendar quarter; and upon filing such statement shall pay the inspection fee at the rate stated in subsection (a) of this section. Inspection fees which are due and owing and have not been remitted to the commissioner within 15 days following the date due shall have a penalty fee of 15 per cent (minimum \$15) added to the amount due when payment is finally made. The assessment of this penalty fee shall not prevent the commissioner from taking other actions as provided in this chapter.

“(2) Keep such records as may be necessary or required by the commissioner to indicate accurately the tonnage of commercial feed distributed in this State, and the commissioner shall have the right to examine such records to verify statements of tonnage. Failure to make an accurate statement of tonnage to pay the inspection fee or comply as provided herein shall constitute sufficient cause for the cancellation of the licenses on file for the distributor.

“(c) Fees collected pursuant to the provisions of this Section including license fees collected under Section 2-21-19 shall be deposited to the credit of the Agricultural Fund of the State Treasury for the regulatory duties of the Department of Agriculture and Industries.

“(d) Amounts improperly or illegally collected under the provision of this chapter as overpayments may be refunded to the person entitled thereto in accordance with Section 2-1-6, Code of Alabama 1975.”

Section 2. Severability. The provisions of this Act are severable and if any part thereof is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-311

H.J.R. 164—Warren

HOUSE JOINT RESOLUTION

COMMENDING CAPTAIN ROBERT M. THACKER OF EVERGREEN, RECENTLY RETIRED.

WHEREAS, on February 28, 1979, Captain Robert M. Thacker ended an outstanding career in law enforcement which spanned more than thirty years, beginning in 1948 as an officer with the Police Department in his native Fort Payne; and

WHEREAS, he then served as chief deputy sheriff of DeKalb County, rejoined the Ft. Payne Police Department following the Korean Conflict and, in 1955, became a member of the Alabama State Troopers; and

WHEREAS, Bob Thacker first served in Tuscaloosa followed by duty in Decatur, Opelika, Montgomery, Huntsville and Mobile, transferring to Evergreen in 1975 to join the Alabama Bureau of Investigation as Area Commander for the 18 southernmost counties of our state; rising through the ranks from trooper to Captain, Bob Thacker as Area Commander in Evergreen directed investigations which were responsible for the seizure of over 16 tons of marijuana, an 110-foot freighter, many other boats and a number of motor vehicles, as well as the arrest of a number of those involved in illegal drug traffic in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Captain Bob Thacker on his outstanding career in law enforcement and further praise his deep involvement in community affairs and in service to the Evergreen Baptist Church as Deacon and as Director of the Brotherhood, the Adula Sunday School Department and the Adula Training Union.

BE IT FURTHER RESOLVED, That Bob Thacker receive a copy of this resolution in token of appreciation and in praise of his service to Alabama and to all its citizens.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-312

H.J.R. 165—Warren

HOUSE JOINT RESOLUTION

HONORING FORMER CONSERVATION OFFICER, W. A. THAMES OF EVERGREEN.

WHEREAS, effective December, 1978, Conservation Officer W. A. Thames retired after serving more than 32 years as an enforcement officer with the Alabama State Department of Conservation, Game and Fish Division; he first joined the Department in 1946, serving in Brewton as Game Warden in Escambia and Conecuh Counties prior to his assignment as Chief Game Warden in Evergreen where he remained until retirement; and

WHEREAS, W. A. Thames is a native of Brooklyn, Alabama, and following graduation from Brooklyn High School, worked with the U.S. Department of Agriculture; he then served in the United States Marine Corps, primarily in combat in the South Pacific, during World War II, honorably discharged in 1945 with the U. S. Navy Unit Citation for exceptional service; and

WHEREAS, during his long tenure with the Alabama Department of Conservation, Officer Thames compiled an outstanding record of accomplishment; he has been named Outstanding Wildlife Enforcement Officer in Alabama and in Conecuh County, he has also been honored by the Southeastern Association of Game and Fish Commissioners, has been a U. S. Deputy Game Warden with the Department of the Interior for 28 years, and served as a special security officer with the late Lurleen B. Wallace during her campaign for Governor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend W. A. Thames of Evergreen, Alabama on his outstanding career, wish him every success in all future endeavors, and direct that he receive a copy of this resolution as evidence of our warm feelings of congratulations and praise.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-313

H.J.R. 176—Drinkard, Adams (H), Ford

HOUSE JOINT RESOLUTION

EXPRESSING APPRECIATION TO ALL ALABAMA
VETERANS OF VIET NAM.

WHEREAS, the United States has, throughout all our nation's history, honored those men and women of splendid courage who have answered the call in time of war and conflict, serving in our armed forces in defense of life and freedom; and

WHEREAS, the Legislature of Alabama today pays special tribute to our veterans of Viet Nam, those brave Americans who are especially deserving of gratitude and recognition which have been long in coming for far too long; and

WHEREAS, these men and women, victims of the listless attitude of those who would not see, returned from prisons and battlefields only to find that somehow they had become as unpopular to their fellow Americans as had our nation's involvement in Viet Nam; and

WHEREAS, this week, in keeping with National Memorial Week, has also been set aside to honor our veterans of Viet Nam; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby stand in praise of those who fought and died in Viet Nam in defense of freedom and for the cause of peace, even as countless others cowardly fled in fear choosing not to serve their country in time of need.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for display by the Veterans Administration as evidence of this body's most particular pride in our own courageous Alabama veterans of Viet Nam.

Approved July 3, 1979

Time: 3:45 P.M.

Act No. 79-314

H.J.R. 194—Warren

HOUSE JOINT RESOLUTION

NAMING THE AUDITORIUM AT PATRICK HENRY STATE JUNIOR COLLEGE IN HONOR OF DR. JAMES D. NETTLES.

WHEREAS, Dr. James D. Nettles, who has practiced medicine for twenty-four years in his native community of Arlington in Wilcox County, was educated in the public schools of Arlington, at the University of Alabama, Hahnemann Medical College in Philadelphia and the Medical College; and

WHEREAS, he served as a Lieutenant in the Quartermaster Corps, United States Army, during World War II and as Commanding Officer of a petroleum products analytical laboratory; and

WHEREAS, Dr. Nettles is professionally associated with the American Academy of Family Practice and Alpha Kappa Kappa Medical Fraternity and is also a member of Sigma Nu Social Fraternity, the Civitan Club and the Methodist Church which he actively serves; and

WHEREAS, further, Dr. James Nettles served continuously from 1964 until 1977 on the State Board of Education from the First Congressional District, his fourteen years of service evidencing his interest and involvement in the educational affairs of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of a distinguished Alabamian, we hereby name and designate the auditorium at Patrick Henry State Junior College as the "Dr. James D. Nettles Auditorium."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said auditorium.

RESOLVED FURTHER, That a copy of this resolution be forwarded to Dr. Nettles as a memento of this honorary designation and in token of appreciation and esteem.

Approved July 3, 1979

Time: 4:00 P.M.

Act No. 79-315

H.J.R. 240—Seibels

HOUSE JOINT RESOLUTION

EXPRESSING APPRECIATION TO THE MARINE PARTICIPANTS IN THE LEGISLATURE'S FLAG DAY CEREMONIES.

WHEREAS, on June 14, 1979, during Legislative Flag Day ceremonies those present in the House Chamber were profoundly moved by the presentation and retirement of the Colors by a detachment of United States Marines; and

WHEREAS, members of the color guard were Captain Dale M. Papworth, First Sergeant Robert E. Parker, Staff Sergeant Jerry D. Donald and Sergeants William L. Martin and Lyvord Swain of a detachment of Lima Company, Third Battalion, 23rd Marines, Fourth Marine Division, affectionately known as the "Montgomery Marines"; and

WHEREAS, in patriotic response to the importance of Flag Day, these gentlemen both willingly and enthusiastically accepted Mayor Seibels' invitation, and their performance, truly in keeping with the finest tradition of the Corps, was faultless in every detail; and

WHEREAS, following their stirring presentation of the Colors, executed to perfection, they respectfully remained at attention throughout the entire ceremony to retire with dignity and with a solemnity that inspired awe in the hearts of all those in attendance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express heartfelt appreciation to the color guard of the "Montgomery Marines" for their splendid performance on June 14, 1979.

BE IT FURTHER RESOLVED, That a copy of this resolution, to be used for appropriate display, be sent to Captain Papworth on behalf of his detachment and as evidence of our praise of their outstanding performance.

Approved July 3, 1979

Time: 4:00 P.M.

Act No. 79-316

H.J.R. 241—Waggoner

HOUSE JOINT RESOLUTION

NAMING THE NEW JEFFERSON COUNTY HEALTH DEPARTMENT BUILDING IN HONOR OF VETERAN HEALTH OFFICER, GUY M. TATE, JR.

WHEREAS, Guy M. Tate, Jr., of Birmingham retired July 1, 1978, as Deputy Health Officer for the Jefferson County Health Department, the first non-physician ever to achieve that

rank, and his long years of service in Public Health were interrupted only by World War II during which time he was with the Corps of Engineers and was awarded the Bronze Star for valor; entering as a Second Lieutenant, he now is a retired Colonel, A. U. S.; and

WHEREAS, Selma native, Guy Tate, is a graduate of Selma High School and of Auburn University where he was awarded a B. S. Degree in Civil Engineering; he earned his Masters Degree in Sanitary Engineering at Harvard University and joined the Alabama Department of Public Health in 1929; and

WHEREAS, he served through the years with the Tennessee Valley Authority as Assistant Sanitary Engineer in charge of its General Environmental Health Program in seven states, as Director of the Jefferson County Health Department's Bureau of Sanitation and as Deputy Health Officer from 1969 until retirement, acting as Health Officer in 1976-1977; and

WHEREAS, in addition to his contributions in traditional public health environmental programs, Mr. Tate was the first to establish a housing code program within an Alabama health department, working for nearly fifteen years toward the eventual enactment and implementation of the Alabama Clean Air Act; he is professionally affiliated with numerous associations on the local, state, regional and national levels and has further long been active in many of the civic and community affairs in the Birmingham area; and

WHEREAS, his awards, too numerous to list, include the 1976 William Henry Sanders Award of the Medical Association of the State of Alabama; also the Alabama Public Health Association established in his honor the Guy M. Tate, Jr. Award to recognize individuals for outstanding service in public health; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and in recognition of meritorious service in the field of Public Health and in deep appreciation for contributions of singularity, we hereby name and designate the new Jefferson County Health Department Building, the "Jefferson County Department of Health Guy M. Tate, Jr., Building."

BE IT FURTHER RESOLVED, That authorities are directed to erect and maintain appropriate signs and makers so designating said building as the "Jefferson County Department of Health Guy M. Tate, Jr., Building."

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Tate as a memento of this honorary designation and

as evidence of our appreciation and sincere praise.

Approved July 3, 1979

Time: 4:00 P.M.

Act No. 79-317

H.J.R. 242—Waggoner

HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING VONDAL GRAVLEE ON HIS ELECTION AND SERVICE AS PRESIDENT, NATIONAL ASSOCIATION OF HOME BUILDERS.

WHEREAS, Vondal Gravlee, Birmingham, Alabama, a home builder and land developer for 29 years, has been elected President of the National Association of Home Builders, a trade association of over 117,000 member firms; and

WHEREAS, Vondal Gravlee has worked unceasingly for more and better rural and urban housing; and

WHEREAS, Vondal Gravlee has been active in housing affairs at the local, state, and national levels; and

WHEREAS, the citizens of Alabama and the entire nation have reaped the benefits of his untiring and unselfish efforts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate and commend Vondal Gravlee on his election as President of the National Association of Home Builders and for his contributions to the housing industry of Alabama and the nation.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Vondal Gravlee and to the Home Builders Association of Alabama.

Approved July 3, 1979

Time: 4:00 P.M.

Act No. 79-318

H.J.R. 243—Albright, Hall, Smith (M)

HOUSE JOINT RESOLUTION

NAMING THE FINE ARTS BUILDING AT ALABAMA AGRICULTURAL AND MECHANICAL UNIVERSITY, THE

"RICHARD DAVID MORRISON FINE ARTS BUILDING."

WHEREAS, Richard David Morrison, a native Mississippian and a protege of Dr. George Washington Carver, who recruited him to attend Tuskegee Institute, and while there, distinguished himself as an Outstanding Scholar, subsequently obtaining the Master's degree from Cornell University and the Doctor of Philosophy degree from Michigan State University, where he was honored in 1976 as its distinguished alumnus; and

WHEREAS, this aggressive, articulate, keenly intelligent and deeply committed educator, having served at the University for 42 years, first in 1937 as Director of the Division of Agriculture and in 1962 becoming the fifth President of Alabama Agricultural and Mechanical University; and

WHEREAS, having guided the University through its most crucial years, through his outstanding leadership, the University has witnessed a more than sixty per cent growth in enrollment, and has been the recipient of numerous grants and private and public funds to enhance the tremendous curricular development and expansion in research, extension, and other areas; and

WHEREAS, he has given extraordinary service to local civic organizations, State organizations, National Land-Grant Organization, thereby perpetuating support for 1890 land-grant colleges and universities; and

WHEREAS, under his dynamic leadership, the University is fully accredited by State, Regional and National accrediting agencies and is now offering degrees through the Educational Specialist degree and with majors in more than sixty undergraduate areas in the six undergraduate schools; and

WHEREAS, his loyalty, patience, kindness, integrity, devotion and leadership have endeared him to the thousands of alumni, students, faculty and staff; and

WHEREAS, the Legislature of the State of Alabama desires to give recognition to an individual who has meant so much to the institution, community, State and Nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate and name the Fine Arts Building now under construction at the Alabama Agricultural and Mechanical University as the "Richard David Morrison Fine Arts Building" in honor of this dedicated and dynamic leader, and further direct that such name be appropriately inscribed on or affixed to the building in such manner as the Board of Trustees of the University may direct; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the said Richard David Morrison.

Approved July 3, 1979

Time: 4:00 P.M.

Act No. 79-319

S.J.R. 111—Denton

SENATE JOINT RESOLUTION

CONGRATULATING AND COMMENDING THE HOME BUILDERS ASSOCIATION OF THE MUSCLE SHOALS AREA FOR OUTSTANDING COMMUNITY CONTRIBUTION.

WHEREAS, The Home Builders Association of the Muscle Shoals Area learned of the plight of 83 year old Ms. Sylvia Hodges living in an old school bus without heat, water, and sanitary facilities; and

WHEREAS, this association voluntarily undertook the design and construction of a safe, sanitary home for Ms. Hodges; and

WHEREAS, Ms. Hodges has been afforded this home as long as she lives at no cost by the Home Builders Association of the Muscle Shoals Area; and

WHEREAS, Ms. Hodges now enjoys a new standard of living for her remaining years; now therefor

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate and commend the Home Builders Association of the Muscle Shoals Area for their act of humanitarianism in the highest American ideals.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Home Builders Association of the Muscle Shoals Area and the President of the Home Builders Association of Alabama.

Approved July 3, 1979

Time: 4:00 P.M.

Act No. 79-320

S. 95—Higginbotham, Callahan

AN ACT

To amend further Section 12-3-34, Code of Alabama 1975, relating to the Alabama Court of Criminal Appeals' authority to hire certain

personnel, so as to change the designation of the position of "stenographer" to "confidential assistant".

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-3-34 of the Code of Alabama 1975, as amended is hereby further amended to read as follows:

"Section 12-3-34. (a) The Alabama court of criminal appeals is hereby authorized to hire three staff attorneys to assist the court in legal research and analysis, including the preparation of staff memoranda, and to perform such other duties as directed by the court. The staff attorneys shall be licensed to practice law in the state of Alabama and shall be appointed by and serve at the pleasure of the court. The salaries of each staff attorney shall be fixed within the range of the classification of attorney II under the merit system, to be paid as other salaries are paid. The said staff attorneys shall be subject to the Merit System Act only as to the pay plan.

"(b) The court of criminal appeals is hereby authorized to hire, in addition to all other clerical employees, a confidential assistant to perform the stenographic and secretarial services for the staff attorneys appointed pursuant to subsection (a) of this section. The said confidential assistant shall be appointed by and serve at the pleasure of the court and shall be paid a salary accordingly. The confidential assistant shall be subject to the Merit System Act only as to the pay plan."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 3, 1979

Time: 4:00 P.M.

Act No. 79-321

S. 25—Denton

AN ACT

Relating to Lauderdale County; authorizing nighttime hunting of raccoons and opossums under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. In Lauderdale County, the provisions of any law or the provisions of any rule, regulation or order of the commissioner

of the Department of Conservation and Natural Resources to the contrary notwithstanding, it shall be lawful to hunt, and to capture or kill racoons and opossums between sunset and daylight with a light and a dog (and if hunting on the lands of another, written permission of the landowner is necessary), and by the use of a shotgun using number 6 shot or a .22 caliber rifle using .22 caliber short cartridges, and the person or persons so hunting must not have in their possession any ammunition, except number 6 shot or short cartridges for a .22 caliber rifle.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1979

Time: 3:30 P.M.

Act No. 79-322

S. 55—Pearson

AN ACT

To create the Private Colleges and Universities Facilities Authority; to authorize the Authority to acquire, construct and equip self-liquidating Projects consisting of educational facilities for lease or sale to private institutions of higher education; to confer powers and impose duties on the Authority; to provide for the appointment of members of the Authority; to authorize the issuance of revenue bonds of the Authority payable from the revenues, rents, repayment proceeds or purchase payments or other funds received by the Authority; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of such revenue bonds; to provide that no debt of the State or any of its political subdivisions shall be incurred in the exercise of any of the powers granted by this Act and no State or local public funds shall be appropriated for the use of Authority created by this Act; to make such revenue bonds legal investments and to provide that any revenue bonds issued under the provisions of this Act, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the State and by political subdivisions of the State; and to fix the venue for jurisdiction of actions relating to any provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act may be cited as the "Private Colleges and Universities Facilities Authority Act."

Section 2. Definitions. As used in this Act, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

(a) "Authority" shall mean the Private Colleges and Universities Facilities Authority created by this Act and any successor or successors thereto. Any change in name or composition of the Authority shall in no way affect the vested rights of any person under the provisions of this Act.

(b) "Project" shall mean a structure or structures available for use as a dormitory or other student housing facility, a dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, maintenance, storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution of higher education, whether proposed, under construction or completed, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution for higher education, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended but shall not include any items the costs of which are customarily deemed to result in a current operating charge, and shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination.

(c) "Costs" shall mean, as applied to a Project or any portion thereof financed under the provisions of this Act, all or any part of the cost of construction, acquisition, alteration, enlargement, reconstruction and remodeling of a Project including all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, permits, approvals, licenses, and certificates, and interests acquired or used for or in connection with a Project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, underwriters' commissions or discounts, interest prior to, during and for a period of six months following estimated completion of such construction and acquisition, provisions for reserves for principal and interest and for extensions, enlargements, additions, and improvements, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing the

Project and such other expenses as may be necessary or incident to the construction and acquisition of the Project, the financing of such construction and acquisition and the placing of the Project in operation. All funds paid or advanced for any of the purposes aforesaid by any institution for higher education prior to the issuance of any of the Authority's revenue bonds may be refunded to such institution out of the proceeds of any revenue bonds so issued. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the cost of the Project and may be paid or reimbursed as such out of the proceeds of revenue bonds or notes issued under the provisions of this Act for such Project.

(d) "Bonds," "bonds" or "revenue bonds" shall mean revenue bonds of the Authority issued under the provisions of this Act, including revenue refunding bonds, notwithstanding that the same may be secured by a mortgage or the full faith and credit of a participating institution for higher education or any other lawfully pledged security of a participating institution for higher education.

(e) "Institution for higher education" shall mean a not-for-profit educational institution which is not owned or controlled by the State or any political subdivision, agency, instrumentality, district or municipality thereof, which is authorized by law to provide a program of education beyond the high school level and which

(i) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate; and

(ii) provides an educational program for which it awards a bachelor's degree, or provides an educational program, admission into which is conditioned upon the prior attainment of a bachelor's degree or its equivalent, for which it awards a post-graduate degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree; and

(iii) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by the University System of Alabama and its educational units for credit on the same basis as if transferred from an institution so accredited.

(f) "Property" shall mean any real, personal or mixed property, or any interest therein, including, without limitation, any real estate, appurtenances, buildings, easements, equipment, furnishings, furniture, improvements, machinery, rights-of-way and structures, or any interest therein.

(g) "Revenues" shall mean, with respect to any Project, the rents, purchase installments, loan repayment proceeds, fees, charges and other moneys derived by the Authority therefrom in connection with the lease, sale or financing thereof.

Section 3. Private Colleges and Universities Facilities Authority. There is hereby created a public body corporate and politic to be known as the Private Colleges and Universities Facilities Authority and by that name, style and title, said body may contract and be contracted with, sue and be sued, implead and be impleaded, and complain and defend in all courts of law and equity. Said Authority, however, shall not be a State institution nor a department or agency of the State, but shall be an instrumentality of purely public charity performing an essential governmental function, being a distinct corporate entity. The Authority shall consist of nine members appointed equally by the Governor, the Lieutenant Governor and the Speaker of the House. Such members shall be appointed in 1979 as follows: three appointed for a term expiring January 1, 1981; three appointed for a term expiring January 1, 1983; and three appointed for a term expiring January 1, 1985. Thereafter, each member shall be appointed for an eight-year term. The respective appointing authority shall fill the unexpired term of any member so appointed who shall cease to serve. All members appointed shall serve until their successors are appointed and qualified and any member may be reappointed. Immediately after each such appointment, such member of the Authority shall enter upon his duties. The Authority shall elect one of its members as Chairman and another as Vice Chairman and shall appoint a Secretary who need not be a member of the Authority. The members of the Authority shall not be entitled to compensation for their services, but may be reimbursed by the Authority for their actual expenses properly incurred in the performance of their duties. The Authority may make rules and regulations for its own government. The Authority shall have perpetual existence. At all meetings of the Authority the presence in person of a majority of the members in office shall be necessary for the transaction of business, and the affirmative vote of a majority of the members then in office shall be necessary for any action of the Authority.

Section 4. Powers; Duties. The purpose of the Authority shall be to assist institutions for higher education in the construction, financing, and refinancing of the Projects. The exercise by the Authority of the powers conferred by this Act shall be deemed and held to be the performance of an essential public function. For the purposes of this Act, the Authority shall have the powers and duties set forth in this Section.

- (a) To adopt an official seal and alter the same at its pleasure.
- (b) To sue and be sued in contract and in tort and to complain and defend in all courts of law and equity.
- (c) To maintain an office at such place or places as it may designate.
- (d) To determine the location and character of any Project financed under this Act, to acquire, construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease as lessee or lessor, sell or otherwise dispose of, any Project in any manner it deems to the best advantage of the Authority and the purposes thereof, and to insure the same against any and all risks as such insurance may, from time to time, be available, to enter into contracts for any or all of such purposes, to permit participating institutions for higher education to perform all of the foregoing as the Authority's agent. Contracts entered into by the Authority may be negotiated and should not be subject to any laws governing public contracts or requiring competitive bidding.
- (e) To finance Projects for participating institutions for higher education through the issuance of Authority revenue bonds and the lending of such revenue bond proceeds to the participating institution for higher education under such loan agreements or repayment contracts as the Authority deems necessary or appropriate.
- (f) To issue revenue bonds of the Authority for any of its corporate purposes and to fund or refund the same all as provided in this Act.
- (g) To fix and revise from time to time and charge and collect rates, rents, purchase payments, fees and charges for the use and for the services furnished or to be furnished by a Project or any portion thereof or in connection with the financing thereof and to contract with the State of Alabama and its agencies, instrumentalities, departments and political subdivisions and any person, partnership, association or corporation or other body, public or private, in respect thereto.
- (h) To establish rules and regulations for use of a Project or any portion thereof and to designate a participating institution for higher education as its agent to establish rules and regulations for the use of a Project undertaken for that participating institution for higher education.
- (i) To employ consulting engineers, architects, attorneys, bond counsel, accountants, construction and financial experts,

fiscal agents, superintendents, managers, and such other employees and agents as may be necessary in its judgment and to fix their compensation; provided, however, that all costs, fees and expenses incurred in connection with the employment of any persons as permitted by this subparagraph shall not be an obligation of the State or any political subdivision thereof but must be payable solely from the proceeds of obligations issued by the Authority or from revenues received by the Authority from participating institutions for higher education as reimbursement for its administrative costs and expenses.

(j) To receive and accept from any source, other than State or local public funds, loans, contributions, gifts or grants for or in aid of the construction of a Project or any portion thereof in either money, property, labor or other things of that value and, when required, to use such funds, property or labor only for the purposes for which it was loaned, contributed, given or granted.

(k) To make loans to any participating institution for higher education for the Cost of a Project in accordance with a financing agreement between the Authority and the participating institution for higher education; provided that no such loans shall exceed the total Cost of the Project as determined by the participating institution for higher education and approved by the Authority.

(l) To make loans to a participating institution for higher education to refund outstanding obligations or advances issued, made or given by such participating institution for higher education for the Cost of the Project.

(m) To charge to and apportion among participating institutions for higher education the administrative costs and expenses incurred by the Authority in the exercise of the powers and duties conferred upon it by this Act.

(n) To borrow money for any of its corporate purposes and to issue negotiable revenue bonds in the manner hereinafter more fully set forth, which revenue bonds shall be payable solely from funds pledged for that purpose, and to provide for the payment of the same and for the rights of the holders thereof.

(o) To pledge, mortgage or convey by deed to secure debt, chattel mortgage or bill of sale to secure debt, all or any portion of any Project and any other educational facilities conveyed to the Authority for such purpose and the site or sites thereof, whether presently owned or subsequently acquired, for the benefit of the holders of the bonds of the Authority issued to finance such Project or any portion thereof or issued to refund or refinance outstanding

indebtedness of a private institution for higher education as permitted by this Act.

(p) To issue bonds for the purpose of refunding or refinancing the outstanding indebtedness of a private institution for higher education, whether or not outstanding prior to or after the effective date of this Act, provided that such indebtedness was originally incurred for the purpose of constructing or acquiring an educational facility as defined in this Act. To exercise any power usually possessed by private corporations performing similar functions, provided the exercise of such power is not in conflict with the Constitution and laws of this State.

(q) To invest any accumulation of its funds and any sinking fund or reserves in any manner that public funds of the State of Alabama or its political subdivisions may be invested.

(r) To do all things necessary or convenient to carry out the powers expressly given in this Act and any amendments hereto.

Section 5. Revenue Bonds. The Authority shall have power and is hereby authorized from time to time to provide by resolution for the issuance of negotiable revenue bonds for the purpose of paying all or any part of the Cost as herein defined of any of its Projects. Such bonds may also be issued to pay off, refund or refinance any outstanding bonds or other obligation of any nature owed by the Authority, whether or not such revenue bonds or other obligations shall then be subject to redemption, and the Authority may provide for such arrangements as it may determine for the payment and security of the revenue bonds being issued or for the payment and security of the revenue bonds or other obligations to be paid off, refunded or refinanced. The principal, premium, if any, and interest of such revenue bonds shall be payable solely from the revenues, receipts and earnings to be received by the Authority in connection with the lease, sale, financing arrangement or other disposition of the Project for which the revenue bonds were issued. All revenue bonds issued by the Authority are hereby declared to be negotiable for all purposes notwithstanding their payment from a limited source and without regard to any other law or laws. The Authority may limit the negotiability of its obligations by issuing the same in nonnegotiable or registered form or by providing for future registration under such terms and conditions as it may choose. All bonds issued by the Authority shall be signed by the chairman of the Authority and attested by its secretary, and the seal of the Authority shall be affixed thereto and any interest coupons applicable to the bonds of the Authority shall be signed by the chairman of the authority; provided, that a facsimile signature

of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, and a facsimile of the signature of the chairman of the Authority may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any such bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act and shall bear such rates or rates of interest, payable and evidence in such manner as may be provided by resolution of the Authority. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the Authority to be most advantageous. The principal of or interest on any bonds issued or obligations assumed by the Authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the Authority, which may be sold by the Authority at public or private sale at such price or prices as may be determined by the Authority to be most advantageous or which may be exchanged from the bonds or other obligations to be refunded. The Authority may pay all expenses, premiums and commissions which it may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the Authority shall be construed to be negotiable instruments though payable from a specified source. All obligations created or assumed by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of any county or municipality or of the state; provided, that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the Authority. Any bonds issued by the Authority shall be limited or special obligations of the Authority payable solely out of the revenues of the Authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation of all property and facilities, owned or operated by the Authority or solely out of the revenues from the operation of any one or more of such property and facilities, or parts thereof, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular property and facilities of the Authority. The Authority may pledge for the payment of any of its bonds issued or obligations assumed the revenues from which such bonds or

obligations are payable and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed or trust conveying as security for such bonds or obligations the property and facilities, or any part of any thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the Authority may contain such agreements as the Authority may deem advisable respecting the operation and maintenance of the property and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture and respecting the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

Section 6. Same - Contracts to secure payment. As security for payment of the principal and interest on bonds issued or obligations assumed by it, the Authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any property and facilities, owned or controlled and operated by it or under its Authority or any part or parts thereof; for the imposition and collection of reasonable rates and rentals for and the promulgation of reasonable regulations respecting the use of property and facilities, of the Authority and any service furnished therefrom, for the disposition and application of its gross revenues or any part thereof and for any other act or series of acts not inconsistent with the provisions of this Act for the protection of the bonds and other obligations being secured and the assurance that revenues from such property and facilities, will be sufficient to cover the cost of all direct operation of such property and facilities, by the Authority and the maintenance in good condition of such property and facilities, owned and controlled by the Authority, the payment of the principal of and interest on any bonds payable from such revenues and the maintenance of such reserves as may be deemed appropriate for the protection of the bonds, the efficient operation of such property and facilities, and the making of replacements thereof and the capital improvements thereto. Any contract pursuant to the provisions of this Section may be set forth in any resolution of the Authority authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust and trust indenture made by the Authority under this Act.

Section 7. Same - Creation of statutory mortgage lien. Any resolution of the Authority or trust indenture under which bonds may be issued pursuant to the provisions of this Act may contain provisions creating a statutory mortgage lien in favor of the holders

of such bonds and of the interest coupons applicable thereto on the property and facilities, or any part thereof (including any after-acquired property) out of the revenues from which such bonds are made payable. The said resolution of the Authority of the said trust indenture may provide for the filing of record in the office of the judge of probate of each county in which any property and facilities, or any part thereof may be located of a notice containing a brief description of such bonds and a declaration that said statutory mortgage lien has been created for the benefit of the holders of such bonds and the interest coupons applicable thereto upon such property and facilities, or any thereof, including additions thereto and extensions thereof. Each judge of probate shall receive and record and index any such notice filed for record in his office. The recording of such notice, as provided in this Section, shall operate as constructive notice of the contents thereof.

Section 8. Same - Use of proceeds from sale. All moneys derived from the sale of any bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include, but shall not be limited to:

(1) The fiscal, engineering, legal and other expenses incurred in connection with the issuance and sale of the bonds;

(2) In the case of bonds issued to pay costs of the Authority, interest on such bonds (or, if a part only of bonds of any series is issued for construction purposes, interest on that portion of the bonds of that series that is issued to pay construction costs) prior to and during such construction; and

(3) In the case of bonds issued for the purpose of refunding principal and interest or either with respect to bonds issued or obligations assumed by the Authority, any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

Section 9. Exemptions from taxation; payment of fees, costs. The property and income of the Authority, all bonds issued by the Authority, the income from such bonds or from any other sources, the interest and other profits from such bonds enuring to and received by the holders thereof, conveyances by and to the Authority and leases, mortgages and deeds of trust by and to the Authority shall be exempt from all taxation in the state of Alabama. The Authority shall not be obligated to pay or allow the payment of any fees, taxes or costs to the secretary of state in connection with its incorporation or with any amendment to its certificate of incorporation or otherwise or to any judge of probate

of any county in connection with the recording by it of any document or otherwise, the Authority being hereby exempted from the payment of any such fees, taxes or costs. No license or excise tax may be imposed by any Authority with respect to the privilege of engaging in any of the activities by this Act.

Section 10. Venue and Jurisdiction of Actions Pertaining to Bonds. The Authority's legal situs or residence for the purpose of this Act shall be Montgomery County. Any action to protect or enforce any rights under the provisions of this Act, including the validation of obligations issued by the Authority as herein permitted, shall be brought in the Circuit Court of Montgomery County, Alabama, and said Court shall have exclusive original jurisdiction of all such actions.

Section 11. Interest of Bondholders Protected. While any of the revenue bonds issued by the Authority remain outstanding, the powers, duties or existence of the Authority or of any of its officers shall not be diminished or impaired in any manner that will affect adversely the interest and rights of the holders of such revenue bonds. The provisions of this Act shall be for the benefit of the State, the Authority and the holders of any such revenue bonds, and, upon issuance of the revenue bonds as herein provided, such provisions shall constitute a contract with the holders of such revenue bonds. The provisions of any bond resolution, indenture, or trust agreement shall be a contract with every holder of such revenue bonds and the duties of the Authority under any such bond resolution, indenture or trust agreement shall be enforceable by any bondholder by mandamus or other appropriate suit, action, or proceeding at law or in equity.

Section 12. Moneys Received by the Authority Considered Trust Funds. All moneys received by the Authority pursuant to this Act shall be deemed to be trust funds for the holders of the bonds and interest coupons thereto appertaining and shall be held and applied for the benefit of the bondholders of the respective issues as provided in this Act and as provided in the authorizing resolutions of the Authority.

Section 13. Projects; Title. The Authority may hold title to any Project financed by it but shall not be required to do so.

Section 14. Severability. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. Repealer. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 16. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1979

Time: 3:30 P.M.

Act No. 79-323 H.J.R. 244—Gafford, Langford, Holmes, Wyatt, Smith (M), Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Cooley, Cosby, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Howard, Johnson (R.G.), Johnson (Roy), Kennedy (C), Laird, Letson, Lewis, McKee, Minus, Naramore, Olive, Parker, Patton, Payne, Rains, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Waggoner, Williams, Zoghby.

HOUSE JOINT RESOLUTION

URGING IMMEDIATE TRIAL AND SWIFT PUNISHMENT OF THOSE RESPONSIBLE FOR THE BRUTAL AND SAVAGE ATTACK UPON A YOUNG MONTGOMERY WOMAN ON JUNE 23, 1979.

WHEREAS, in shock and utter disbelief, this body is unable to even comprehend such depravity as that displayed by those responsible for the savage and brutal rape of a young Montgomery woman on June 23, 1979; and

WHEREAS, shown no mercy, the young mentally retarded victim was then shot three times and left for dead by ruthless savages who themselves deserve no mercy at the hands of those who must decide their fate; and

WHEREAS, the heinousness of such crimes can in no way be tempered by any plea or plight or circumstance, and such inhumanity to man must be swiftly dealt with and those responsible punished to the fullest extent of the law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That such brutal lawlessness cannot and will not be tolerated in the State of Alabama, and we hereby demand justice, swift and certain, for the despicable degenerates who would commit such crimes against a young woman, childlike in mentality and in her trust of others.

BE IT FURTHER RESOLVED, That authorities are urged to bring those perpetrators to trial at the earliest possible moment as a possible deterrent to others would commit such atrocities.

Approved July 10, 1979

Time: 3:30 P.M.

Act No. 79-324

H.J.R. 247—McCorquodale

HOUSE JOINT RESOLUTION

NOTING WITH COMMENDATION THE ESTABLISHMENT OF THE ED AND CHARLOTTE RODGERS SCHOLARSHIP FUND BY THE ALABAMA ROAD BUILDERS' ASSOCIATION.

WHEREAS, it is with great pleasure and approval that the Legislature of Alabama notes the establishment of the Ed and Charlotte Rodgers Scholarship Fund by the Alabama Road Builders' Association, a tribute to the Rodgers' many and outstanding contributions to the association and to the road-building industry; and

WHEREAS, residents of Alabama since 1927, following his attendance at the University of Tennessee's School of Civil Engineering, Ed and Charlotte Rodgers have evidenced their consuming interest in the welfare of our state through years of time and energy devoted to an industry so vital to the economical prosperity and progress of Alabama; and

WHEREAS, following service for some 15 years as the Baldwin County Engineer, Ed Rodgers was named in 1945 Director of the Alabama Highway Department by Governor

Chauncey Sparks; he was later to serve a second time, in 1962, under Governor George Wallace; and

WHEREAS, from 1947 until 1962, he was engineer-manager of the Alabama Road Builders' Association and it was under his leadership that this organization was reorganized and incorporated; in 1964, Ed Rodgers returned to the Association in a consultant's capacity, remaining until his retirement in 1972; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Ed and Charlotte Rodgers for outstanding service as deeply involved supporters of the Alabama Road Builders' Association and of the road building industry in our state.

BE IT FURTHER RESOLVED, That we unanimously concur with the establishment of the Ed and Charlotte Rodgers Scholarship Fund by the Alabama Road Builders' Association as a fitting and well-deserved tribute to the Rodgers' service and sacrifice in the interest of the Association and its industry.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. and Mrs. Rodgers in token of our appreciation and in praise.

Approved July 10, 1979

Time: 3:30 P.M.

Act No. 79-325

H. 240—Holley

AN ACT

To amend section 25-5-50, Code of Alabama 1975, which relates to the applicability of the state workmen's compensation program, so as to allow employers to participate in said program.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-5-50, Code of Alabama 1975, is hereby amended to read as follows:

“§ 25-5-50. This article and article 2 of this chapter shall not be construed or held to apply to domestic servants, to farm laborers whose employers have not filed an election to become subject to this chapter or to persons whose employment at the time of the injury is casual and not in the usual course of the trade, business, profession

or occupation of the employer or to any employer who regularly employs less than three employees in any one business or to any municipality having a population of less than 2,000 according to the most recent federal decennial census or any school district. Any individual employer, as defined in section 25-5-1 hereof, any employer who regularly employs less than three employees in any one business, any farmer, or any municipality having a population of less than 2,000 according to the most recent federal decennial census or any school district may accept the provisions of this article and article 2 of this chapter by filing written notice thereof with the department of industrial relations, a copy thereof to be posted at the place of business of said employer; provided further, that any employer who has so elected to accept the provisions of this article and article 2 of this chapter may at any time withdraw the acceptance by giving like notice of withdrawal."

It is the legislative intent by the passage of this amendment that an individual employer may elect to cover himself as well as his employees under the provisions of workmen's compensation.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1979

Time: 3:30 P.M.

Act No. 79-326

H. 786—Hammett

AN ACT

To repeal Act No. 437, H. 886, approved November 13, 1959, Regular Session 1959 (Acts 1959, p. 1125), entitled "An Act To abolish the jury board of Covington County and to create in lieu thereof a commission composed of nine members appointed by the Governor; to provide a clerk for the jury commission and to prescribe the functions, authority, duties, and compensation of the jury commissioners appointed hereunder."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 437, H. 886, approved November 13, 1959, Regular Session 1959 (Acts 1959, p. 1125), entitled "An Act To abolish the jury board of Covington County and to create in lieu thereof a commission composed of nine members appointed by the Governor; to provide a clerk for the jury commission and to

prescribe his duties and compensation; and to prescribe the functions, authority, duties, and compensation of the jury commissioners appointed hereunder," is hereby expressly repealed.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1979

Time: 3:30 P.M.

Act No. 79-327

H. 242—Gafford, Waggoner, Moore,
Carothers, Albright,
Shoemaker, Trammell,
Sandusky, Harvey, Daniels,
Seibels, Parker, Johnson (Roy),
Drinkard, Johnson (R.G.),
Blake, Roberts, Stout,
Smith (M), Gilmer, Gregg,
Starkey, Holley, McMillan,
Carter, Lewis, McKee,
Cabaniss, Bennett, Biddle,
Sasser, Amari, Olive, Bowling,
Letson, Ford, Cooley, Grimsley,
Adams (C), Whatley, Laird,
Cates, Clark, Turnham, Penry,
Turner, Stewart, Harper,
Minus, Boles, Grouby, Zoghby

AN ACT

To amend Sections 5-18-2, 5-18-4, 5-18-10, 5-18-13, 5-18-15, 5-18-17 and 5-18-18 so as to increase the size of loans covered under the Alabama Small Loan Act and further provide for insurance relating to loans under its provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 5-18-2, 5-18-4, 5-18-10, 5-18-13, 5-18-15 and 5-18-18 are amended to read as follows:

"§ 5-18-2.

“(a) The legislature finds as facts and determines that:

“(1) There exists among citizens of this state a widespread demand for small loans. The scope and intensity of this demand have been increased progressively by many social and economic forces;

“(2) The expense of making and collecting small loans, which are usually made on comparatively unsubstantial security to wage earners, salaried employees and other persons of relatively low incomes, is necessarily high in relation to the amounts lent;

“(3) Such loans cannot be made profitably under the limitations imposed by existing laws relating to interest and usury. These limitations have tended to exclude lawful enterprises from the small loan field. Since the demand for small loans cannot be legislated out of existence, many small borrowers have been left to the mercy of those willing to bear the opprobrium and risk the penalties of usury for a large profit;

“(4) Interest charges are often disguised by the use of subterfuges to evade the usury law. These subterfuges are so complicated and technical that the usual borrower of small sums is defenseless even if he is aware of the usurious nature of the transaction and of his legal rights;

“(5) As a result, borrowers of small sums are being exploited to the injury of the borrower, his dependents and the general public. Charges are generally exorbitant in relation to those necessary to the conduct of a legitimate small loan business, trickery and fraud are common and oppressive collection practices are prevalent; and

“(6) These evils characterize and distinguish loans of \$749.00 or less. Legislation to control this class of loans is necessary to protect the public welfare.

“(b) It is the intent of the legislature in enacting this law to bring under public supervision those engaged in the business of making such loans, to eliminate practices that facilitate abuse of borrowers, to establish a system of regulation for the purpose of insuring honest and efficient small loan service and of stimulating competitive reductions in charges, to allow lenders who meet the conditions of this chapter a rate of charge sufficiently high to permit a business profit and to provide the administrative machinery necessary for effective enforcement.

“§ 5-18-4.

“(a) License required.--No person shall engage in the business of lending in amounts of \$749.00 or less and contract for, exact or

receive, directly or indirectly, on or in connection with any such loan, any charges whether for interest, insurance, compensation, consideration or expense, which in the aggregate are greater than the interest that the lender would be permitted by law to charge for a loan of money if he were not a licensee under this chapter, except as provided in and authorized by this chapter and without first having obtained a license from the supervisor. For the purpose of this section, a loan shall be deemed to be in the amount of \$749.00 or less if the net amount or value advanced to or on behalf of the borrower, after deducting all payments for interest, expenses and charges of any nature taken substantially contemporaneously with the making of the loan, does not exceed \$749.00.

“(b) Exemptions.--This chapter shall not apply to any person doing business under the authority of, and as permitted by, any law of this state or of the United States relating to banks, trust companies, savings or building and loan associations, credit unions as defined by law nor to any lawful, bona fide pawnbroking business, nor shall this chapter apply to any person making loans to their tenants engaged in agriculture, nor to loans by agricultural suppliers to persons whose principal business is farming, nor shall it apply to agricultural credit corporations or associations organized under an act of the congress of the United States, nor shall it apply to the business of financing the purchase of motor vehicles, refrigerators or other personal property, nor shall it apply to loans insured or guaranteed by the United States or any of its agencies.

“(c) Evasions.--The provisions of subsection (a) of this section shall apply to any person who seeks to evade its application by any device, subterfuge or pretense whatsoever including, but not thereby limiting the generality of the foregoing: the loan, forbearance, use or sale of credit (as guarantor, surety, endorser, comaker or otherwise), money, insurance, goods or things in action; the use of collateral or related sales or purchases of goods or services or agreements to sell or purchase, whether real or pretended; and, receiving or charging compensation for goods or services, whether or not sold, delivered or provided and the real or pretended negotiation, arrangement or procurement of a loan through any use of activity of a third person, whether real or fictitious.

“(d) Penalties.--Whoever violates or participates in the violation of any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$500.00 nor less than \$100.00, or by imprisonment in the discretion of the court. Any contract of loan in the making or collection of which any act shall have been done

which violates this section shall be void, and the lender shall have no right to collect, receive or retain any principal, interest or charges whatsoever.

“§ 5-18-10.

“(a) Annual examinations of licensees.--At least once each year and at such other time as may be deemed necessary by the supervisor of the bureau of loans, an examination shall be made of the place of business of each licensee and of the loans, transactions, books, papers and records of such licensee so far as they pertain to the business licensed under this chapter. As cost of examination, the licensee shall pay to the bureau of loans the actual cost of each examination, the amount of which shall be reasonably prescribed under rules and regulations promulgated by the Superintendent of Banks; provided, however, the cost for each day of examination by each examiner shall not exceed eight (8) times the average hourly rate for auditing purposes as charged by three (3) recognized certified public accountancy firms in the City of Montgomery, Alabama. In addition thereto, the licensee shall pay as per diem the amount authorized by law for state employees traveling inside the state in the service of the state. All such fees shall be paid into the special fund set up by the State Treasury pursuant to Title 5-1-5, Code of Alabama 1975, and used in the supervision and examination of licensees.

“(b) Investigations.--For the purpose of discovering violations of this chapter or of securing information lawfully required hereunder, the supervisor or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of (1) any licensee, (2) any other person engaged in the business described in subsection (a) of section 5-18-4 or participating in such business as principal, agent, broker or otherwise and (3) any person who the supervisor has reasonable cause to believe is violating or is about to violate any provisions of this chapter, whether or not such person shall claim to be within the authority or beyond the scope of this chapter. For purposes of this section, any person who shall advertise for, solicit or hold himself out as willing to make loan transactions in the amount or of the value of \$749.00 or less shall be presumed to be engaged in the business described in subsection (a) of section 5-18-4.

“(c) Access to records; witnesses.--For the purposes of this section, the supervisor or his duly authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of all such persons and shall have the authority to require the attendance of any person and to examine

him under oath relative to such loans or such business or to the subject matter of any examination, investigation or hearing.

“(d) Cease and desist orders; injunctions; receivers.--Whenever the supervisor has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, he may in addition to all actions provided for in this chapter and in addition to all other remedies that he may have at law and without prejudice thereto enter an order requiring such person to desist or to refrain from such violation, and an action may be brought on the relation of the attorney general or the supervisor to enjoin such person from engaging in or continuing such violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding such preliminary or final injunction as may be deemed proper. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which such action is brought shall have power and jurisdiction to impound and to appoint a receiver for the property and business of the defendant, including books, papers, documents and records pertaining thereto or so much thereof as the court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of said property and business. Such receiver, when appointed and qualified, shall have such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as shall from time to time be conferred upon him by the court.

“§ 5-18-13.

“(a) Advertising, etc.--No licensee or other person subject to this chapter shall advertise, display, distribute or broadcast or cause to permit to be advertised, displayed, distributed or broadcast in any manner whatsoever any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for loans in the amount or of the value of \$749.00 or less. The supervisor may require that charges or rates of charge, if stated by a licensee, be stated fully and clearly in such manner as he may deem necessary to prevent misunderstanding thereof by prospective borrowers. The supervisor may permit or require licensees to refer in their advertising to the fact that their business is under state supervision, subject to conditions imposed by him to prevent an erroneous impression as to the scope or degree of protections provided by this chapter.

“(b) Schedule of charges.--Each licensee shall prominently display in each licensed place of business a full and accurate

schedule of the rates of charge upon all classes of loans currently to be made by him.

“§ 5-18-15.

“(a) Maximum rates of interest and charge.--Every licensee under this chapter may contract for and receive interest on any loan of money not exceeding \$749.00 an amount at a rate not exceeding three percent a month on that part of the unpaid principal balance not in excess of \$200.00, two percent a month on that part of the unpaid principal balance in excess of \$200.00 but not exceeding \$749.00.

“(b) Charges on loans of seventy-five dollars or less.--On a cash advance of \$75.00 or less a licensee may charge, in lieu of the charges specified in subsection (a) of this section, not in excess of \$1.00 for each \$5.00 of cash advanced to the borrower, up to the amount of \$75.00, and a period of at least 15 days must be allowed for the repayment of each \$5.00 of the cash advanced. Such charges cannot be assessed by any subterfuge or device on any loan over \$75.00 or on any balance of \$75.00 or less when the original cash advanced was greater than \$75.00.

“(c) Method of computing charges.

“(1) Interest or charges on loans made under this chapter shall not be paid, deducted, discounted or received in advance or compounded, but the rate of charge authorized by this section may be precomputed as provided in subdivision (2) of this subsection. For the purpose of this section one month shall be that period of time from any date in a month to a corresponding date in the next month and, if there is not such corresponding date, then to the next day of the next month, and a day shall be considered one thirtieth of a month when computation is made for a fraction of a month.

“(2) When the loan contract requires repayment in substantially equal and consecutive monthly installments of principal and charges or interest combined, the charges or interest may be precomputed at the agreed monthly or periodic rate not in excess of that provided for in subsection (a) or (b) of this section on scheduled unpaid principal balances according to the terms of the contract and added to the principal of the loan. Every payment may be applied to the combined total of principal and precomputed charge until the contract is fully paid. The acceptance or payment of charges on loans made under the provisions of this subsection shall not be deemed to constitute payment, deduction or receipt thereof in advance nor compounding under subdivision (1) above.

“(d) Refunds.

“(1) When any loan contract is paid in full by cash, a new loan, renewal or otherwise one month or more before the final installment date, the licensee shall refund or credit the borrower with that portion of the total charges which shall be due the borrower as determined by schedules prepared under the rule of seventy-eighths or sum of the digits principle as follows: The amount of the refund or credit shall be as great a proportion of the total charges originally contracted for as the sum of the periodic time balances of the contract schedules to follow the date of prepayment bears to the sum of all the periodic time balances of the contract, both sums to be determined according to the payment schedule originally contracted for.

“(2) If the loan contract is not prepaid in full but becomes partially prepaid in an amount equal to three or more installments, the licensee shall reduce the balance due by the amount that would be required to be refunded for prepayment in full on the date of such partial prepayment and compute charges as payments are made thereafter in the manner prescribed in subdivision (1) of subsection (c) of this section, or the licensee may with the consent of the borrower reschedule the remaining installments and precompute charges as prescribed in subdivision (2) of subsection (c) of this section.

“(e) Default or extension charges.--If the contract so provides, the additional charge for any installment past due 15 or more days, whether by reason of default or extension agreement, may be three percent of the installment past due, and said amount may be charged once and no more. It is the intent of this subsection that if the payment date of all wholly unpaid installments is deferred or extended one or more full months and the contract so provides, the licensee may charge and collect a deferment or default charge only on the installment which is delinquent at the date the contract is extended or deferred.

“(f) Rules and regulations.--In addition to the general authority granted to him by subsection (a) of section 5-18-12, the supervisor shall have power and authority to make such rules and regulations as he may deem necessary or advisable to insure that rebates, default charges and deferment charges are so computed, paid to or collected from borrowers that the total charges collected by licensees under subdivision (2) of subsection (c) of this section are substantially equivalent to charges authorized to be collected by licensees under subsection (a) or (b) of this section.

“(g) Recording fees.--The licensee may collect from the borrower the actual fees paid a public official or agency of the state

for filing, recording or releasing any instrument securing the loan.

“(h) Further charges; splitting of contracts; certain contracts void.--No further or other charges shall be directly or indirectly contracted for or received by any licensee, including insurance premiums of any kind, except those specifically authorized by this chapter. No licensee shall divide into separate parts any contract made for the purpose of or with the effect of obtaining charges in excess of those authorized by this section. All balances due to a licensee from any person as a borrower, or as an endorser, guarantor or surety for any borrower or otherwise, or due from any husband or wife, jointly or severally, shall be considered a part of any loan being made by a licensee to such person for the purpose of computing charges. If any amount in excess of the charges permitted by this section is charged, contracted for or received, except as the result of an accidental and bona fide error of computation, the contract of loan shall be void and the licensee shall have no right to collect or receive any cash advanced, charges or recompense whatsoever, and the licensee and the several members, officers, directors, agents and employees thereof who shall have participated in such violation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$500.00 and not less than \$100.00 or by imprisonment of not more than six months, or by both such fine and imprisonment in the discretion of the court. Any borrower may recover the full amount of principal and charges paid by him on any contract made in violation of this section, together with a reasonable attorney fee, by an action at law brought within 12 months from the date of the last payment of principal or charges on such contract.

“(i) Installment payments; contract period.--No licensee shall enter into any contract of loan under this chapter in which the borrower agrees to make any scheduled repayment of the cash advance more than 25 calendar months from the date of making such contract or loan. Every loan contract shall require payment of the cash advance and charges in installments which shall be payable at approximately equal periodic intervals; except, that payment dates may be omitted to accommodate borrowers with seasonal incomes. No installment contracted for shall be substantially larger than any preceding installment.

“(j) Interest after due date of final installment.--Interest as provided in this section shall not accrue or be recovered or charged on any loan made under this chapter for any longer than six months after the due date of the final installment of principal or interest. After the expiration of said six-month period, interest may be charged at a rate not to exceed eight percent per annum.

“(k) Inducing borrower to become obligated under more than one contract.--No licensee shall induce or permit any person or any husband and wife, jointly or severally, to become obligated directly or contingently or both under more than one contract of loan at the same time for the purpose of obtaining a higher rate of charge than would otherwise be permitted by this section. It shall be unlawful for any licensee to evade or attempt to evade this section by inducing a customer to borrow from another loan company in which he has a pecuniary interest or with whom he has an arrangement for exchange of customers.

“§ 5-18-18.

“If a licensee makes a loan in excess of \$749.00, the charges authorized by this chapter shall not apply to any part of the loan. The rates on the entire amount of the loan shall be governed by section 8-8-1 or 8-8-2. The foregoing prohibition shall also apply to any licensee who permits any person as borrower or as endorser, guarantor or surety for any borrower or otherwise or any husband and wife, jointly or severally, to owe directly or contingently or both to the licensee at any time a sum of more than \$749.00 for principal. The supervisor may suspend or revoke the license of any licensee who violates this section in the manner prescribed by section 5-18-9, and the penalties provided for in section 5-18-24 shall apply to any person, firm or corporation violating this section.

Section 2. Section 5-18-17 is amended to read as follows:

“§ 5-18-17.

“With respect to any insurance written in connection with any credit transaction under this Chapter, the creditor shall be subject to the same restrictions, prohibitions, powers, and allowances as any creditor bank, retail establishment, sales finance company, licensee, or any other creditor under Section 5-19-20 of the Code of Alabama 1975 (Mini-Code); and shall be subject to the same rates and regulations promulgated pursuant to that section. In no case shall the insurance with respect to any credit transaction exceed the amount and term of the credit.”

(e) Insurance sold by a licensee or its agent shall be regulated by the Supervisor of the Bureau of Loans. All such insurance shall be written by a company authorized to conduct business in the State of Alabama.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on July 12, 1979, without approval by the Governor.

Act No. 79-328

S. 81—Teague

AN ACT

To amend Code of Alabama 1975 sections 5-19-3 and 5-19-31, which relate to the regulation of extensions of credit, so as to provide further for the schedule of maximum finance charges; to provide further for the application of payments to accumulated charges on certain loans; and to provide severability of the provisions of chapter 19 of title 5 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-19-3, Code of Alabama 1975 is hereby amended to read as follows:

“§ 5-19-3.

“(a) The maximum finance charge for any loan or forbearance and for any credit sale, except under open-end credit plans, may equal but not exceed the total of the following:

“(1) Fifteen dollars per \$100.00 per year for the first \$750.00 of the original principal amount of the loan or amount financed; and

“(2) Ten dollars per \$100.00 per year for that portion of the original principal amount of the loan or original amount financed exceeding \$750.00 and not exceeding \$2,000.00; and

“(3) Eight dollars per \$100.00 per year for that portion of the original principal amount of the loan or original amount financed exceeding \$2,000.00.

“(b) The maximum finance charge under subsection (a) of this section shall be determined by computing the maximum rates authorized by subsection (a) on the original principal amount of the loan or original amount financed for the full term of the contract without regard to scheduled payments and the maximum finance charge so determined, or any lesser amount, may be added to the original amount financed.

“(c) If the debt is created under an open-end credit plan, the maximum finance charge in connection therewith shall be one and one-half percent per month on the unpaid balance from time to time thereunder.

“(d) A creditor, in connection with any credit sale other than a sale made under an open-end credit plan, may contract for and

receive a minimum finance charge not in excess of the following amounts:

“(1) Four dollars on any credit sale in which the amount financed is \$25.00 or less; and

“(2) Six dollars on any credit sale in which the amount financed is more than \$25.00.

“(e) On an open-end credit plan, if there is an unpaid balance on the date as of which the finance charge is applied, a creditor may contract for and receive a minimum finance charge in an amount computed at a rate not exceeding \$.50 per month.

“(f) In lieu of the finance charges set forth in Subsection (a), other than under an open-end credit plan, a creditor may contract for and receive finance charges on any loan of money at the rate of not more than one and one-half percent (1 ½%) per month as follows:

“(1) Charges shall be computed on unpaid balances of the principal amount outstanding from time to time, for the actual time outstanding. Each payment shall be applied first to accumulated charges and the remainder of the payment applied to the unpaid principal balance, except that if the amount of the payment is insufficient to pay the accumulated charges, unpaid charges continue to accumulate to be paid from the proceeds of subsequent payments and are not added to the principal balance.

“(2) Creditors shall not make charges under this subsection payable in advance, nor may charges be compounded; however, if part of all of the consideration for a new loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under such new loan contract may include any unpaid charges which have accrued. The resulting loan contract shall be deemed a new and separate loan transaction for all purposes.

“The principal balance of a loan on which charges have been made pursuant to Subsection (a) shall be the balance due after refund or credit is given the borrower.

“Borrowers under this subsection may pay in advance the principal balance, including any charges, of a loan contract without penalty.

“For purposes of computing charges for a fraction of a month, a day shall be considered one-thirtieth of a month.

“(3) The provisions of Section 5-19-4 shall not apply to loans made under subsection (f).

Section 2. Section 5-19-31, Code of Alabama 1975 is hereby

amended to read as follows:

“Section 5-19-31.

“(a) None of the provisions of this chapter, except the provisions of subsection (a) of section 5-19-1 and section 5-19-3, shall apply to any loan, forbearance or credit sale involving an interest in real property or the sale, lease or mortgage of an interest in real property, where the creditor is a lending institution which is an approved mortgagee under the provisions of the National Housing Act or is exempt from licensing under this chapter.

“(b) Nothing in this chapter shall be construed to amend or repeal the provisions of sections 5-18-1 through 5-18-24, section 8-8-6, section 8-8-3, section 8-8-4 or section 8-8-5.

“(c) This chapter shall not apply to any lawful, bona fide pawnbroking business.

“(d) The provisions of this chapter are severable. If any part thereof is declared invalid or unconstitutional, such declaration shall not affect the part which remains.”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became law under Section 125 of the Constitution on July 4, 1979, without approval by the Governor.

Act No. 79-329

H. 620—Holley, Whatley

AN ACT

To propose an amendment to the Constitution of Alabama of 1901 authorizing the legislature to provide for an indemnification program to peanut farmers for losses incurred as a result of *Aspergillus flavus* or freeze damage.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed, to become a part thereof when approved by a majority of the qualified electors voting thereon as prescribed by law and upon proclamation by the Governor:

PROPOSED AMENDMENT

The legislature may hereafter, by general law, provide for an indemnification program to peanut farmers for losses incurred as a result of *Aspergillus flavus* and freeze damage in peanuts. The

legislature is further authorized to provide means and methods for the financing of any such indemnification program by prescribing a procedure whereby peanut growers may by referendum among such growers levy upon themselves and collect assessments, fees or charges upon the sale of peanuts for the financing of any such indemnification program in cooperation with buyers, processors, dealers and handlers of peanuts. Provided, no assessment levied hereunder shall exceed five dollars per ton on any peanuts sold by peanut growers. The legislature shall provide for the collection and distribution of any such assessments and provide penalties for fraud in the collection or distribution of such assessments. The legislature shall provide for the designation of a nonprofit association or organization organized for the promotion and betterment of peanut production to administer and carry out such indemnification program which shall include the conducting of elections or referendums among peanut growers and to cooperate with underwriters in executing a contract or contracts to cover claims for crop damage due to *Aspergillus flavus* or freeze damage. Assessments, fees or other charges collected or disbursed as authorized by any legislative act adopted in pursuance hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the first primary, special or general election held after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House as amended June 14, 1979

Passed the Senate July 11, 1979

AN ACT

Proposing an amendment to the Constitution of 1901, as amended, so as to create an additional probate judgeship in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of 1901, as amended, is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

PROPOSED AMENDMENT

Additional Probate Judgeship for Jefferson County. In Jefferson County there shall be an additional probate judgeship, designated probate judgeship No. 2. Such judge shall be learned in the law, over the age of twenty-five years and a resident of the County for one year next preceding the date of taking office. The additional judgeship shall be filled by appointment by the Governor within ten days after the approval of this amendment by the electors and proclamation of the Governor. The appointee shall hold office until his successor is elected and qualified as provided by Article VI. The judge for the additional judgeship shall be elected thereafter as are other probate judges in this state.

The existing probate judgeship in Jefferson County shall be designated judgeship No. 1. The present judge shall fill judgeship No. 1 and shall be the presiding judge. Candidates for the offices of probate judge in Jefferson County shall designate whether they are candidates for the office of the presiding judgeship which shall be designated probate judgeship No. 1 or for the office of probate judgeship No. 2.

The probate judge appointed or elected for probate judgeship No. 2 shall have and exercise all the jurisdiction, power, right and authority; he shall possess all of the qualifications, perform all of the duties required, and he shall be subject to all the pains and penalties of such office as any other such judge is subject to in Jefferson County.

The expense allowances and supplements of judgeship No. 2 shall be paid in the same manner and shall be in the same amount as that of the presiding probate judge in the County. The salary of judgeship No. 2 shall be in an amount equal to 95 percent of the salary of the presiding judge in the County.

The presiding judge of the probate court in Jefferson County shall have precedence and preside at any session of court which he attends. The presiding judge shall divide the work and business of

the probate court among the judges and other employees of the court and shall assign the cases to the judges of said court. The presiding judge shall employ and appoint any and all clerks, clerical help and other assistants and court officers of the probate court allowed by law. The administrative powers and duties of the probate judges and the probate court shall be under the general authority, supervision and direction of the presiding judge. Whenever the probate judges cannot agree upon any administrative matter, the presiding judge shall decide and determine such administrative matter for said judges and the court.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

CONSTITUTIONAL AMENDMENT

Passed the House as Amended May 24, 1979

Passed the Senate as Amended July 11, 1979

House Concurred in Senate Amendment July 12, 1979

Act No. 79-331

S. 537—Bailey, Mitchem and McDonald

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, relating to the promotion of production, distribution, improvement, marketing, use and sale of peanuts, milk, and cotton and peanut, milk and cotton products; and to provide for assessment and fees to pay for the cost thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the

Constitution when approved by a majority of qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

The legislature may hereafter, by general law, provide for the promotion of the production, distribution, improvement, marketing, use and sale of peanuts, milk and cotton. The legislature may provide for the promotion of peanuts, milk and cotton and peanut, milk and cotton products by research, education, advertising and other methods, and the legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby growers of peanuts, and producers of milk and cotton may by referendum among such growers and producers levy upon themselves and collect assessments, fees, or charges upon the sale of peanuts, milk and cotton for the financing of any such promotional program or activity in cooperation with buyers, processors, dealers, and handlers of peanuts, milk and cotton. The legislature may make provisions for the nonpayment of assessments by peanut growers and milk and cotton producers, and shall make provisions for the refund of assessments to any peanut growers and milk or cotton producers who do not desire to participate in an assessment program. The legislature shall provide for the collection, disbursement, distribution or expenditure of assessments or charges authorized hereunder and to provide penalties for failure to make collection and distribution of assessments. The legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of peanuts, milk and cotton and peanut, milk and cotton products to administer and carry out such promotional program which shall include the conducting of elections or referendums among growers of peanuts and producers of milk and cotton. The legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the state board of agriculture and industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum, the details of the conduct of such referendum. The legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized herein by the department of agriculture and industries and the state board of agriculture and industries. The legislature shall further provide a procedure whereby said association or organization is bonded, for the examination and

auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the state board of agriculture and industries to effectively carry out the intent and purposes herein enumerated.

The legislature shall provide, by enabling legislation, the definition of peanut growers and producers.

Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered a tax within the meaning of this constitution or any provision thereof.

Any uniformity requirements of this constitution shall be satisfied by the application of the program upon peanuts, milk and cotton.

Section 2. An election upon the proposed amendment is ordered to be held on the date of the general election next succeeding the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the Senate July 2, 1979

Passed the House as Amended July 12, 1979

Senate Concurred in House Amendment July 12, 1979

Act No. 79-332

H. 282—Turnham, Carothers, Williams,
Warren, Daniels, Bennett,
Smith (C), Sasser, Cosby,
Waggoner, Carter, Roberts,
Patton, Shoemaker,
Johnson (R.G.)

AN ACT

To make legislative findings regarding the shortage in the state of facilities for the housing, care and treatment of persons requiring special care, including orphans and persons who are elderly, sick, physically disabled or handicapped, or mentally ill or retarded, as well as the shortage of funds needed to finance such facilities; to define the particular terms used in the substantive provisions of this Act; to provide for and authorize the incorporation by any municipality in the state of one or more special care facilities financing authorities, as public corporations and instrumentalities of the state, upon the filing of application with, and the making of certain determinations by, the governing body of such municipality; to provide for and authorize the certificate of incorporation of any such authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such municipality; to provide for a board of directors of any such authority and the election of the members thereof; to provide for the officers of any such authority and the election thereof; to provide for the general powers to be exercised by any such authority and the conditions under which such powers may be exercised; to empower any such authority to acquire facilities for lease or sale to certain users; to empower any such authority to make loans to certain users; to empower any such authority to acquire authorized purpose obligations created in connection with facilities operated by certain users; to empower any such authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which any such authority may sell and issue its notes and bonds; to authorize any such authority to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such authority; to provide that the notes and bonds and all other obligations of any such authority shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of any such authority shall constitute negotiable instruments; to provide for the creation of special reserve funds and such other funds as may be necessary or desirable for the corporate purposes of any such authority; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by any such authority; to provide that the notes and bonds of any such authority may be used for the investment of trust and other fiduciary funds; to exempt from all taxation in the state (i) the property, corporate activities, revenues and income of each such authority, (ii) certain transactions or actions to which each such authority is a party or in which it may have been involved and (iii) the notes and bonds of each such authority and the income from such notes and bonds; to exempt any such authority from all laws of the state governing usury or prescribing or limiting interest rates, which exemption shall apply to any payment by any user pursuant to any lease, sale contract, loan agreement or authorized purpose obligation; to exempt any such authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to prohibit the sectarian use of facilities financed or assisted by any such authority; to prescribe conditions for any management contract providing for the management of any facility by a party that is not a governmental agency or a not-for-profit organization; to provide for the liberal construction of the provisions of this Act; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state may aid and cooperate with any such authority, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to provide that any

such authority shall be a not-for-profit corporation; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of bonds or notes by any such authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such bonds or notes or any instrument securing the same; to provide for the dissolution of any such authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings. It is hereby found and declared as follows: there exists in the State of Alabama a serious shortage of adequate facilities for the housing care and treatment of persons requiring special care, including orphans and persons who are elderly, sick, physically disabled or handicapped, or mentally ill or retarded, as well as a shortage of investment funds needed to finance such facilities; in order to alleviate the shortage of such facilities, to encourage the continued operation of such facilities as now exist, and to enable certain not-for-profit organizations to finance such facilities it is necessary and desirable to authorize the creation by municipalities in the State of authorities which will have the power to increase the supply of investment funds available for such facilities by selling and issuing bonds and notes and using the proceeds of such bonds and notes to (i) acquire facilities for lease or sale to such not-for-profit organizations, (ii) make loans to such not-for-profit organizations in order to finance both capital and operating costs of such facilities and/or (iii) purchase Authorized Purpose Obligations (as hereinafter defined) created in connection with facilities operated by such not-for-profit organizations.

Section 2. Definitions and Use of Phrases. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“Authority” means any public corporation organized pursuant to the provisions of this Act.

“Authorized Purpose Obligation” means (i) any lease, note, installment sale contract or any other obligation of a User, whether general or special, which was entered into, made, assumed or otherwise incurred by such User, in whole or in part, for the purpose of financing the acquisition or ownership of one or more Facilities, for the purpose of obtaining funds with which to operate one or more Facilities or for any combination of such purposes, or (ii) any obligation of any kind which was entered into, made, assumed or otherwise incurred by the United States of America or any department, agency or instrumentality thereof, the State or

any instrumentality or political subdivision thereof, or any corporation, partnership, trust, fund, foundation, corporation sole, or other legal entity, whether public or private, or joint venture of any two or more of any of the foregoing entities, and which is secured, in whole or in part, by a pledge or assignment of any obligation described in the preceding clause (i) or is payable, in whole or in part, from payments made in respect of any such obligation, including, without limitation thereto, any obligation described in either of the preceding clauses (i) or (ii) that is guaranteed by the United States of America or by any department, agency or instrumentality thereof.

“Board” means the board of directors of an Authority.

“County” means any county in the State.

“Determining Municipality” means, with respect to an Authority, any Municipality the governing body of which shall have made findings and determinations of fact pertaining to the organization of such Authority in accordance with the provisions of Section 3 of this Act.

“Director” means a member of the Board of an Authority.

“Eligible Investment” means (i) any time deposit with, or any certificate of deposit issued by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation; (ii) any debt securities that are direct, general obligations of the United States of America; (iii) any debt securities, the payment of the principal of and interest on which is unconditionally guaranteed by the United States of America; (iv) any debt securities that are direct, general obligations of any of the following agencies of the United States of America: the Federal Land Banks, the Federal Intermediate Credit Banks, the Banks for Cooperatives, the Federal Home Loan Banks (including any joint obligations of any two or more of the foregoing agencies), the Federal Home Loan Mortgage Corporation (including participation certificates of the last named agency) and the Government National Mortgage Association (including participation certificates of the last named agency); (v) any debt securities that are direct, general obligations of the Federal National Mortgage Association; (vi) prime commercial paper or finance company paper which is rated not less than prime one or the equivalent thereof by Moody’s Investors Service, Inc., or Standard & Poor’s Corporation, or their successors; and (vii) any debt obligation in which an insurance company organized under the

laws of the State may legally invest its money at the time of investment by an Authority.

"Facility" means any one or more buildings or facilities designed for use and occupancy as (i) a retirement home, nursing home, convalescent home, apartment building, domiciliary facility, residence, or special care facility or any combination of two or more thereof for the housing and care of elderly persons, whether or not any such building or facility is required to be approved or licensed by any federal, state or local governmental agency having jurisdiction in the planning or operation of health care facilities, or (ii) a hospital, nursing home, convalescent home, domiciliary facility, residence, or special care facility or any combination of two or more thereof for the housing, care and treatment of orphans, or persons who are sick, physically disabled or handicapped or mentally ill or retarded, or other persons requiring special care, including, in the cases of facilities described in either of the preceding clauses (i) and (ii), any land, buildings, medical or dental facilities, educational facilities, parking areas, garages, storage facilities, outbuildings, machinery, equipment, furniture and fixtures necessary or desirable in connection therewith; provided, however, that if any Facility is or is to be located within the corporate limits of any Municipality other than the Determining Municipality or within any unincorporated area of any County other than the County or Counties in which the Determining Municipality or any part thereof is located, no Authority shall acquire, improve or finance such Facility, or acquire, hold or pledge any Acquired Purpose Obligation related to such Facility, or in any other way assist any User in respect of such Facility pursuant to the provisions of this Act, unless, in the case of any such Facility located within the corporate limits of any Municipality other than the Determining Municipality, the governing body of such other Municipality shall adopt a resolution consenting to the actions in respect of such Facility proposed to be taken by such Authority and, in the case of any such Facility located within any unincorporated area of any County other than the County or Counties in which the Determining Municipality or any part thereof is located, the governing body of such other County shall adopt a resolution consenting to the actions in respect of such Facility proposed to be taken by such Authority.

"Incorporators" means the natural persons forming an Authority pursuant to the provisions of this Act.

"Municipality" means an incorporated municipality in the State.

"State" means the State of Alabama.

"User" means any corporation, partnership, trust, fund, foundation, corporation sole or other legal entity or joint venture of any two or more thereof (i) which is organized and operated exclusively for religious, charitable or educational purposes or for purposes of promoting and providing for the housing, health, care and/or well-being of any part of the population requiring special care and (ii) no part of the net earnings of which inures to the benefit of any private shareholder, member or individual.

"Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used. The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 3. Procedure to Incorporate. By proceeding in the manner set forth herein, any number of natural persons, not less than three (3), may incorporate a special care facilities financing authority in any Municipality of the State. Such Authority shall be organized as a public corporation and instrumentality of the State with the powers hereinafter set forth. The Incorporators shall first file with the governing body of such Municipality a written application seeking permission to incorporate such Authority, which application shall be accompanied by a proposed form of certificate of incorporation for such Authority and such supporting documents or evidence as the Incorporators may consider appropriate to show the need for such Authority. The said governing body shall consider the said application and shall find and determine whether it is wise, expedient, necessary or advisable that the Authority be formed; if the said governing body finds and determines that it is not wise, expedient, necessary or advisable that the Authority be formed, it shall deny the application, but if it finds and determines that it is wise, expedient, necessary or advisable that the Authority be formed and if it approves the proposed form of the certificate of incorporation of the Authority, the governing body shall adopt a resolution declaring that it has reviewed the application and has found and determined as a matter of fact that it is wise, expedient, necessary or advisable that the Authority be formed and declaring that it has approved the proposed form of certificate of incorporation of the Authority. No Authority shall be formed hereunder unless the application required by this section shall be made and unless a resolution for which provision is made in this Section 3 shall be adopted.

Within forty (40) days following the adoption of a resolution in accordance with this Section 3, the Incorporators shall proceed to

incorporate the Authority by filing for record, in the office of the Judge of Probate of the County in which the Determining Municipality is located (or in case the Determining Municipality is located in more than one County, in the office of the Judge of Probate of any County in which any part of the Determining Municipality is located), a certificate of incorporation in the form approved by the governing body of the Determining Municipality, which certificate shall also comply in form and substance with the requirements of this Section 3 and shall be executed in the manner hereinafter provided.

The certificate of incorporation of any Authority shall state (i) the names of the persons forming the Authority, together with the address of the residence of each thereof, that each of them is a resident of and an owner of real property in the Determining Municipality, and that each of them is a duly qualified elector of the Determining Municipality; (ii) the name of Authority (which shall include the words, "special care facilities financing authority" and the name of, or other reference to, the Determining Municipality); (iii) the duration of the corporate existence of the Authority (if the duration is to be perpetual, subject to the provisions of Section 21 hereof, that fact shall be stated); (iv) the name of the Determining Municipality, together with the date on which the governing body thereof adopted the resolution in accordance with this Section 3; (v) the location of the principal office of the Authority, which shall be within the corporate limits of the Determining Municipality; and (vi) any other matters relating to the Authority that the Incorporators may choose to insert and that are not inconsistent with this Act or with the laws of the State. The certificate of incorporation shall be signed and acknowledged by the Incorporators before an officer authorized by the laws of the State to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (a) a certified copy of the resolution adopted by the governing body of the Determining Municipality in accordance with this Section 3 and (b) a certificate by the Secretary of State that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the State or so nearly similar thereto as to lead to confusion and uncertainty. The Judge of Probate shall promptly examine all such documents and shall determine whether they are complete and regular on their face and whether the form and content of the certificate of incorporation comply with the provisions of this Act. If the Judge of Probate shall find that all such documents are complete and regular on their face and that the form and content of the certificate of incorporation comply with the

provisions of this Act, he shall require all such documents to be recorded in the permanent records maintained in his office. Upon the filing of the said documents, the Authority shall come into existence and shall constitute a public corporation and instrumentality of the State under the name set forth in the said certificate of incorporation. The Judge of Probate shall thereupon send a notice to the Secretary of State that the certificate of incorporation of the Authority has been filed for record.

The authorization of the incorporation of one Authority shall not preclude the authorization by the governing body of any Municipality of the incorporation of other such Authorities; provided, that such other Authorities shall be required to adopt names or designations sufficient to distinguish them from any Authority theretofore incorporated.

Section 4. Amendments to Certificate of Incorporation. The certificate of incorporation of any Authority may at any time and from time to time be amended in the manner provided in this Section 4. The Board of the Authority shall first adopt a resolution proposing an amendment to the certificate of incorporation, which amendment shall be set forth in full in the said resolution and may include any matters which might have been included in the original certificate of incorporation of any Authority organized on the date of the adoption of the said resolution proposing the amendment.

After the adoption by the Board of a resolution proposing an amendment to the certificate of incorporation of any Authority, the Board shall file a written application with the governing body of the Determining Municipality. Such application shall (i) state that it is wise, expedient, necessary or advisable for the said amendment to be made and (ii) request that the governing body of the Determining Municipality adopt a resolution declaring that it has reviewed the application and has found and determined as a matter of fact that it is wise, expedient, necessary or advisable for the said amendment to be made. Every such application shall be accompanied by a certified copy of the said resolution adopted by the Board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the Board may consider appropriate. As promptly as may be practicable after the filing of the said application with it, the governing body of the Determining Municipality shall review the said application and shall find and determine whether it is wise, expedient, necessary or advisable for the said amendment to be made. In finding and determining whether it is wise, expedient, necessary or advisable for the said amendment to be made, the said governing body may consider, in conjunction with any other factors, —

it may deem relevant, alternative means of accomplishing any lawful objective or purpose of the said amendment affecting the public interest. If the said governing body finds and determines that it is wise, expedient, necessary or advisable for the said amendment to be made, it shall adopt a resolution declaring that it has reviewed the said application and has found and determined as a matter of fact that it is wise, expedient, necessary or advisable for the said amendment to be made; if the said governing body finds and determines that it is not wise, expedient, necessary or advisable for the said amendment to be made, it shall deny the application.

Within forty (40) days following the adoption by the governing body of the Determining Municipality of a resolution finding and determining as a matter of fact that it is wise, expedient, necessary or advisable for said amendment to be made, the chairman of the Authority and the secretary of the Authority shall sign, and file for record in the office of the Judge of Probate of the County in which the certificate of incorporation of the Authority was filed, a certificate in the name of and in behalf of the Authority, under its seal, reciting the adoption of said respective resolutions by the Board and by the said governing body, and setting forth the said proposed amendment. If the proposed amendment provides for a change in the name of the Authority, there shall be filed, together with the certificate required by the immediately preceding sentence, a certificate by the Secretary of State showing that the proposed new name of the Authority is not identical to that of any other corporation then in existence and organized under the laws of the State, or so nearly similar to that of any other such corporation as to lead to confusion and uncertainty. The Judge of Probate shall promptly examine each such certificate and shall determine whether it is complete and regular on its face and whether the proposed amendment complies with the provisions of this Act. If the Judge of Probate shall find that each such certificate is complete and regular on its face and that the proposed amendment complies with the provisions of this Act, he shall require each such certificate to be recorded in the permanent records maintained in his office. Upon the filing of the aforesaid certificates, the said amendment to the certificate of incorporation shall become effective. If the proposed amendment effects a change in the name of the Authority, the Judge of Probate shall promptly send a notice to the Secretary of State, advising him of such change.

Section 5. Board of Directors. Every Authority shall be governed by a board of directors. All powers of the Authority shall be exercised by the Board or pursuant to its authorization. The Board shall consist of three Directors elected in the manner hereinafter prescribed, as soon as may be practicable after the

organization of the Authority, by the governing body of the Determining Municipality for staggered terms as follows: the first term of one Director shall begin immediately upon his election and shall end at noon on the second Monday of November of the next succeeding odd-numbered calendar year following his election; the first term of another Director shall begin immediately upon his election and shall end at noon on the second Monday of November of the second succeeding odd-numbered calendar year following his election; and the first term of the remaining Director shall begin immediately upon his election and shall end at noon on the second Monday of November of the third succeeding odd-numbered calendar year following his election. Thereafter, the term of office of each Director shall be six years, commencing at noon on the second Monday of November when the term of the immediate predecessor Director ended. If at any time there should be a vacancy on the Board, a successor Director to serve for the unexpired term applicable to such vacancy shall be elected by the governing body of the Determining Municipality. Each election of a Director subsequent to the selection of the initial Directors, whether for a full six-year term or to complete an unexpired term, shall be made not earlier than thirty days prior to the date on which such Director is to take office as such. If the term of office being served by any Director shall expire prior to the election of such Director for a new term or prior to the election of his successor by the governing body of the Determining Municipality, such Director shall continue to serve until his successor is elected and qualified, and if such Director is elected for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced as of the expiration of such immediately preceding term.

No officer of the State or of any County or Municipality shall, during his tenure as such officer, be eligible to serve as a Director. Each Director must be a qualified elector and the owner of real property in the Determining Municipality. Directors shall be eligible for re-election. Each Director shall serve without compensation, except that he may be reimbursed for expenses actually incurred by him in and about the performance of his duties. No Director shall vote on or participate in the discussion or consideration of any matter coming before the Board in which he, his immediate family, or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that when any such matter is brought before the Board any Director having an interest therein which may be in conflict with his obligations as a Director shall immediately make a complete disclosure to the Board of any direct or indirect pecuniary interest he may have in such matter prior to removing himself and

withdrawing from the Board's deliberations and vote on the matter presented. A majority of the Directors shall constitute a quorum for the transaction of business. No vacancy in the membership of the Board or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum to exercise all of the powers and duties of the Authority. Any Director of an Authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama, or successor provision thereof, and the general laws of the State for impeachment and removal of the officers mentioned in said Section 175, or successor provisions thereof. All proceedings of the Board shall be reduced to writing by the secretary of the Authority and maintained in the permanent records of the Authority. Copies of such proceedings, when certified by the secretary of the Authority under the seal of the Authority, shall be received in all courts as evidence of the matters therein certified.

Section 6. Officers of the Authority. The officers of an Authority shall consist of a chairman, vice chairman, secretary, treasurer and such other officers as its Board shall deem necessary or appropriate. The offices of secretary and treasurer may but need not be held by the same person. The chairman and vice chairman of an Authority shall be elected by the Board from the membership thereof; the secretary, the treasurer, and any other officers of the Authority may but need not be members of the Board and shall also be elected by the Board. The chairman, vice chairman and secretary of the Authority shall also be the chairman, vice chairman and secretary of the Board, respectively.

Section 7. Powers of Authority. (a) Every Authority shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this Act, including (without limiting the generality of the foregoing) the following powers:

(1) to have succession in its corporate name for the duration of time (which may be in perpetuity, subject to the provisions of Section 21 hereof) specified in its certificate of incorporation;

(2) to sue and be sued in its own name in civil suits and actions and to defend suits against it;

(3) to adopt and make use of a corporate seal and to alter the same at pleasure;

(4) to adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this Act, for the regulation and conduct of its affairs and business;

(5) to acquire, whether by gift, purchase, transfer, foreclosure, lease or otherwise, and to expand, improve, maintain, equip and furnish one or more Facilities, including all real and personal properties that its Board may deem necessary in connection therewith, regardless of whether or not any such Facility shall then be in existence and, if in existence, regardless of whether or not any such Facility is then owned or leased by any User to which such Facility may subsequently be sold or leased by such Authority;

(6) to borrow money and to sell and issue bonds, notes or other obligations as hereinafter provided for any corporate use or purpose;

(7) to lease to a User or Users any or all Facilities that may be owned by it, to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof, all upon such terms and conditions as its Board may deem advisable;

(8) to contract to sell and convey, and to sell and convey, to a User or Users any or all Facilities that may be owned by it and to grant options to any User or Users to purchase any or all Facilities that may be owned by it, all for such consideration and upon such terms and conditions as its Board may deem advisable;

(9) to lend, upon such terms and conditions as its Board may deem advisable, all or any portion of the proceeds derived from the issuance of its bonds, notes or obligations to a User, whether pursuant to one or more loan agreements or in conjunction with the lease or sale of one or more Facilities to such User or the purchase of an Authorized Purpose Obligation relating to a Facility or Facilities operated by such User, for one or more or any combination of the following purposes: (i) to enable such User to borrow an amount not substantially in excess of the equity (determined on any basis not resulting in a higher value for any Facility in question than the estimated replacement cost or the appraised market value thereof, whichever may be greater) which such User may then have in any Facility or Facilities; (ii) to enable such User to refinance any outstanding indebtedness incurred or assumed in connection with the acquisition, improvement or operation of any existing Facility or Facilities; (iii) to enable such User to finance the costs of acquiring (by purchase, construction or otherwise) one or more Facilities and/or the costs of expanding or improving one or more Facilities, regardless of whether any such Facility has theretofore been owned or leased by such User or is to be acquired or leased by such User; and (iv) to enable such User to borrow working capital for use in the operation of one or more

Facilities;

(10) to contract to acquire, hold, pledge, assign, sell and transfer, and to acquire, hold, pledge, assign, sell and transfer, one or more Authorized Purpose Obligations that are entered into or issued in whole or in part with respect to one or more Facilities;

(11) to pledge for payment of any bonds, notes or obligations issued by the Authority any revenues from which such bonds, notes or obligations are payable as herein provided, and to mortgage or pledge any or all of its Facilities or any part or parts thereof or any Authorized Purpose Obligation, whether then owned or thereafter acquired, and to pledge the revenues, rentals and receipts therefrom or from any part thereof or any revenues from which such bonds are payable as herein provided as security for the payment of the principal of and the interest and premium (if any) on any bonds, notes or obligations so issued and any agreements made in connection therewith;

(12) to make, enter into, and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which such Authority was organized or to exercise any power expressly granted hereunder;

(13) to enter into contracts with, to accept aid, loans and grants from, to cooperate with, and to do any and all things not specifically prohibited by this Act or the Constitution or other applicable laws of the State that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the State or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this Act;

(14) to receive and accept from any source aid or contributions in the form of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this Act, subject to any lawful condition upon which such aid or contributions may be given or made;

(15) to appoint, employ and contract with such employees and agents, including but not limited to architects, engineers, attorneys, accountants, financial experts, fiscal agents, and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation;

(16) to enter into a management contract or contracts with any governmental agency, nonprofit organization or private business entity as may in the judgment of such Authority be necessary or desirable in order to perform more efficiently or

economically various clerical, accounting and administrative functions for which it may become responsible in the exercise of the powers conferred upon it by this Act;

(17) to procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as its Board may deem desirable;

(18) to the extent permitted by the contracts of such Authority with the holders of its bonds, notes and other obligations and if not otherwise specifically prohibited by any other provision of this Act, to invest its moneys (including, without limitation, (i) the moneys held in any special fund created pursuant to any trust indenture or resolution securing any of its bonds, notes or other obligations and (ii) proceeds from the sale of any bonds or notes) not required for immediate use in Eligible Investments;

(19) to include in any borrowing by such Authority such amounts as may be deemed necessary by its Board to pay bond discount, commissions or other financing charges, interest on the obligations issued in evidence of such borrowing for such period as its Board shall deem advisable, fees and expenses of financial advisors and planning and management consultants, all legal, accounting, publishing, printing, recording and filing fees and expenses, and such other expenses as shall be necessary or incident to such borrowing;

(20) to the extent permitted by its contracts with the holders of its bonds, notes and other obligations, to purchase bonds or notes of such Authority out of any of its funds or moneys available therefor, and to hold, cancel or resell such bonds or notes;

(21) to procure or agree to the procurement of insurance or guarantees from the United States of America or any agency or instrumentality thereof, or from any private insurance company, of the payment of any bonds, notes or any other obligations issued by such Authority, and to pay premiums or fees for any such insurance or guarantees; and

(22) to do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to the provisions of this Act.

(b) No Authority shall have the power to operate any Facility other than as a lessor thereof; provided, however, that the foregoing restriction on the power of any Authority to operate any Facility shall not be construed to prohibit, limit or impair (i) the right of such Authority to terminate any lease of any Facility that is in default, to take possession of such Facility and to operate the same for such temporary period as may be necessary to protect and

enforce the rights and remedies of the holders of any of its notes or bonds and (ii) to exercise any other right or remedy which may be necessary to prevent or cure any default under any contract of such Authority which provides for or relates to the security for any of its notes, bonds or other obligations.

Section 8. Bonds and Notes of Authority. Any Authority shall have power to issue from time to time its bonds and notes in such principal amount as its Board shall determine to be necessary to provide sufficient funds for achieving any of its corporate purposes, including the payment of interest on any of its notes and bonds, the establishment of reserves to secure any such notes and bonds and all other expenditures of such Authority incident to and necessary or convenient to carry out its corporate purposes and powers. Any Authority shall also have the power to issue from time to time notes to renew notes and bonds to pay notes, including interest thereon and, whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any other of its corporate purposes.

If deemed advisable by the Board of any Authority, there may be retained in the resolution adopted by such Board authorizing the issuance of any bonds or notes an option to redeem all or any part thereof as specified in such resolution at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in such resolution and as may be recited in summary form on the face of the bonds or notes; provided, that any bond of any Authority having a specified maturity more than fifteen (15) years after its date shall be made subject to redemption at the option of such Authority at the expiration of fifteen (15) years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the resolution adopted by the Board of such Authority authorizing the issuance of such bond. Any Authority may pay all expenses, premiums and commissions which its Board may deem necessary and advantageous in connection with the issuance of any of its bonds or notes. Issuance by any Authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds, but the resolutions whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for the benefit of any prior issue of bonds unless in the proceedings authorizing such prior issue the right was reserved to issue subsequent bonds on a parity with such prior issue.

Notes or bonds issued by any Authority may, as its Board may

deem advisable, be either general obligations of such Authority or limited obligations payable only out of certain specified revenues or assets of such Authority; provided that any Authority may enter into contracts with the holders of any of its bonds or notes preventing such Authority from thereafter issuing general obligation bonds or notes or limiting the amount of such bonds or notes that may thereafter be issued. To the extent permitted by any contracts with the holders of outstanding bonds and notes and any other contractual obligations or requirements, any Authority may pledge any of its revenues or mortgage or assign any of its assets (whether real or personal and whether tangible or intangible) to secure the payment of any of its bonds or notes.

All obligations created or assumed by any Authority and all bonds or notes issued thereby shall be solely and exclusively an obligation of such Authority and shall not create an obligation or debt of the State, the Determining Municipality, or any other political subdivision of the State or public corporation or governmental agency existing under the laws thereof; provided, that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by any Authority.

The notes and bonds issued by any Authority shall be authorized by resolution or resolutions adopted by its Board, shall bear such date or dates and shall mature at such time or times as such resolution or resolutions may provide, except that no bond shall mature more than forty-five (45) years from the date of its issue. The bonds of any Authority may be issued as serial bonds payable in annual installments or as term bonds or as a combination thereof. The notes and bonds of any Authority shall bear interest at such rate or rates, be in such form and denominations, either coupon or registered, carry such registration privileges, be executed by such officers of such Authority and in such manner, be payable in such medium of payment, at such place or places within or without the State and be subject to such terms of redemption as may be provided in the resolution or resolutions by which they are authorized to be issued. The notes and bonds of any Authority may be sold by such Authority at public or private sale, at such price or prices as such Authority shall determine.

Any resolution or resolutions authorizing bonds or notes of any Authority may contain provisions, which shall constitute a part of the contract or contracts with the holders of such bonds or notes, pertaining to, among other things, the following matters:

- (1) pledging all or any part of the revenues of such Authority to secure the payment of such bonds or notes, subject to

contracts with the holders of its then outstanding bonds and notes;

(2) pledging, assigning or mortgaging all or any part of the assets of such Authority to secure the payment of such bonds or notes, subject to contracts with the holders of its then outstanding bonds and notes;

(3) the setting aside of reserves, sinking funds or other funds and the regulation and disposition thereof;

(4) limitations on the purpose to which the proceeds of sale of such notes or bonds may be applied and pledging such proceeds to secure the payment of such bonds or notes;

(5) limitations on the issuance of additional bonds or notes, the terms upon which additional bonds or notes may be issued and secured, and the refunding of outstanding bonds or notes;

(6) the procedure, if any, by which the terms of any contract with the holders of such bonds or notes may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto and the manner in which such consent may be given;

(7) limitations on the amount of moneys to be expended by such Authority for its operating expenses;

(8) vesting in a trustee or trustees such property, rights, powers and duties as such Authority may determine;

(9) defining the acts or omissions to act that shall constitute a default in the performance of the obligations and duties of such Authority to the holders of such bonds or notes and providing for the rights and remedies of such holders in the event of such default; provided, however, that such rights and remedies shall not be inconsistent with the general laws of the State and the other provisions of this Act; and

(10) any other matters, of like or different character, which in any way affect the security or protection of the holders of such bonds or notes.

Any mortgage of property granted by any Authority, any security interest in property created by it, or any assignment or pledge of revenues or contract rights made by it, in each case to secure the payment of its bonds or notes, shall be valid and binding from the time when such mortgage is granted, such security interest created, or such assignment or pledge is made, as the case may be, and the property so mortgaged, the property with respect to which such security interest is so created, and the revenues and

contract rights so assigned or pledged shall immediately (or as soon thereafter as such Authority obtains any right thereto or interest therein) be subject to such mortgage, security interest, assignment or pledge, as the case may be, without physical delivery of any property, revenues or contract documents covered thereby or any further act, and the lien of any such mortgage, security interest, assignment or pledge shall be valid and binding as against all persons having claims of any kind in tort, contract or otherwise against such Authority, irrespective of whether such persons have actual notice thereof, from the time notice of such mortgage, security interest, assignment or pledge is filed for record (i) in the office of the Judge of Probate in which the certificate of incorporation of such Authority was filed for record and (ii) in the case of any mortgage or security interest covering any tangible property, whether real, personal or mixed, in the office of the Judge of Probate of the County in which such property is or is to be located pursuant to any agreement made by such Authority with any User respecting the location and use of such property. Such notice shall contain a statement of the existence of any such mortgage, security interest, assignment or pledge, as the case may be, a description of the property, revenues or contract rights subject thereto and a description of the bonds or notes secured thereby, all in terms sufficient to give notice to a reasonably prudent person of the existence and effect of any such mortgage, security interest, assignment or pledge. If the requirements of the preceding sentence are met, such notice may consist of (i) a summary statement prepared specially for the purpose of serving as such notice, (ii) an executed counterpart of any mortgage, security agreement, assignment, trust indenture or other instrument granting such mortgage, creating such security interest or making such assignment or pledge, as the case may be, or (iii) a certified copy of the resolution adopted by the Board of such Authority authorizing such mortgage, security interest, assignment or pledge, as the case may be.

Any Authority shall have power, subject to contracts with the holders of its then outstanding bonds or notes, to purchase for retirement and cancellation any of its bonds and notes, and to use any of its available funds for such purpose, provided that (i) if such bonds or notes are then redeemable, the purchase price thereof shall not exceed the redemption price then applicable, plus accrued interest thereon to the date of purchase, and (ii) if such bonds or notes are not then redeemable, the purchase price thereof shall not exceed the redemption price applicable on the earliest date after such purchase upon which such bonds or notes become subject to redemption, plus accrued interest thereon to the date of purchase.

The bonds or notes of any Authority may, at the discretion of such Authority, be issued under and secured by a trust indenture or trust indentures by and between such Authority and a corporate trustee, which may be any trust company or bank having the power of a trust company within or without the State. Any such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of bondholders or noteholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of such Authority in relation to the exercise of its corporate powers and the custody, safeguarding and application of all moneys. Such Authority may provide by any such trust indenture for the payment to the trustee thereunder or other depository of (i) the proceeds of any bonds or notes issued thereunder and (ii) any revenues pledged for the security of such proceeds and revenues, with such safeguards and restrictions as it may determine. All expenses incurred in connection with such trust indenture may be treated as part of the operating expenses of such Authority.

Whether or not the notes and bonds of any Authority are of such form and character as to be negotiable instruments under the terms of the Alabama Uniform Commercial Code, such notes and bonds are hereby made negotiable instruments within the meaning of the Alabama Uniform Commercial Code and for all purposes thereof, subject only to any registration provisions of such notes and bonds. In case any of the Directors or officers of any Authority whose signatures appear on any notes, bonds or coupons appertaining to any bond shall cease to be such Directors or officers before the delivery of such notes, bonds or coupons, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if such Directors or officers had remained in office until such delivery.

The Directors and officers of any Authority shall not be subject to any personal liability by reason of the issuance of any bonds or notes of such Authority.

Section 9. Reserve Funds and Other Funds. Any Authority may establish and maintain one or more special debt service reserve funds and such other special fund or funds as may be necessary or desirable for its corporate purposes and may pay into each such fund (i) any moneys contributed or granted to such Authority for the purpose of such fund by any governmental or public entity or any private party, (ii) any proceeds from the sale of bonds or notes to the extent provided in the resolution adopted by the Board of such Authority authorizing the issuance of such bonds or notes and (iii) any other moneys which may be made available to

such Authority for the purpose of such fund from any other source or sources.

Section 10. Refunding Obligations - Issuance and Sale. Any Authority may issue refunding bonds or notes (i) for the purpose of refunding any bonds or notes then outstanding which have been issued under the provisions of this Act, including the payment of any redemption premium thereon, any interest accrued or to accrue to the date of maturity or earlier redemption of such bonds or notes, and any expenses of such refunding (including, without limitation to, attorneys' fees, costs of printing the refunding bonds or notes, financial advisors' fees and accountants' fees), and (ii) for the purpose of refunding any of its bonds or notes in combination with any other corporate purpose of such Authority. The issuance of such refunding bonds or notes, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of such Authority in respect thereof shall be governed by the provisions of this Act relating to the issuance of bonds and notes generally, to the extent that such provisions may be appropriate therefor.

Refunding bonds or notes issued by any Authority may be sold or exchanged for outstanding bonds or notes issued under this Act and, if sold, the proceeds thereof may be applied, in addition to any other authorized purposes, to the purchase, redemption or payment of such outstanding bonds or notes. Pending the application of the proceeds of any such refunding bonds or notes for any of the purposes provided in this Section 10, such proceeds may be invested in any Eligible Investments pursuant to an escrow agreement providing for the future application of such proceeds in accordance with such purposes.

Section 11. Notes and Bonds as Legal Investments. The notes and bonds of any Authority shall be legal investments in which the State and its agencies and instrumentalities, all Counties, Municipalities and other political subdivisions of the State and public corporations organized under the laws thereof, all insurance companies and associations and other persons carrying on an insurance business, all banks, savings banks, savings and loan associations, trust companies, credit unions and investment companies of any kind, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the State, may properly and legally invest funds in their control or belonging to them.

Section 12. Tax Exemption. Every Authority shall exercise its powers in all respects for the benefit of the people of the State, for

their well being and for the improvement of their health and social condition, and the exemptions from taxation hereinafter described are hereby granted in order to promote the more effective and economical exercise of such powers.

No income, excise or license tax shall be levied upon or collected in the State with respect to any corporate activities of an Authority or any of its revenues, income or profit. No ad valorem tax or assessment for any public improvement shall be levied upon or collected in the State with respect to any property during any time that title to such property is held by an Authority, including, without limiting the generality of the foregoing, (i) any time that such property is leased to a User by an Authority pursuant to a lease which provides that title to such property shall automatically pass to such User upon expiration of the lease term or which gives such User the right to purchase such property from such Authority for a nominal consideration and (ii) any time that title to such property is retained by an Authority pursuant to a contract of sale with a User which provides that title to such property shall not pass to such User until the purchase price thereof has been paid in full.

No privilege or license taxes payable in respect of the recording or filing for record of any mortgage, deed or other instrument (including, without limitation, the privilege taxes now imposed by Chapter 22 of Title 40 of Code of Alabama 1975) shall be levied, charged or collected in connection with the recording or filing for record of (i) any mortgage, deed or other instrument evidencing a conveyance to or the creation of any property interest in an Authority, (ii) any agreement or instrument to which an Authority is a party and (iii) any mortgage, deed or other instrument evidencing a conveyance from an Authority to another party or the creation by an Authority of any property interest in another party.

If, pursuant to any contractual arrangement between an Authority and a User, any Facility has been or is to be acquired by such Authority and leased or sold to such User or has been or is to be financed by a loan from such Authority, then in such case the gross proceeds of the sale of any property used in the construction and equipment of such Facility, regardless of whether such sale is to such Authority, such User or any contractor or agent of either thereof, shall be exempt from the sales tax imposed by Article 1 of Chapter 23 of Title 40 of Code of Alabama 1975 and from all other sales and similar excise taxes now or hereafter levied on or with respect to the gross proceeds of any such sale by the State or any County, Municipality or other political subdivision or instrumentality of any thereof. Further, if, pursuant to any contractual arrangement between an Authority and a User, any

Facility has been or is to be acquired by such Authority and leased or sold to such User or has been or is to be financed by a loan from such Authority, then in such case any property used in the construction and equipment of such Facility, regardless of whether such property has been purchased by such Authority, such User or any contractor or agent of either thereof, shall be exempt from the use tax imposed by Article 2 of Chapter 23 of Title 40 of Code of Alabama 1975 and all other use and similar excise taxes now or hereafter levied on or with respect to any such property by the State or any County, Municipality or other political subdivision or instrumentality of any thereof.

All bonds, notes or other obligations issued by any Authority, their transfer, and the income therefrom (including the interest income thereon and any profits made on the sale thereof) shall at all times be free from taxation by the State or any County, Municipality or other political subdivision or instrumentality of the State, excepting inheritance, estate and gift taxes.

Section 13. Exemption from Usury and Interest Laws. Any Authority and all contracts made by it shall be exempt from the laws of the State governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8 of Code of Alabama 1975, as such laws may at any time be amended. Further, any payment payable directly or indirectly by any User pursuant to any lease, installment sale contract, loan agreement or other contract to which an Authority is a party, any payment pursuant to any Authorized Purpose Obligation, or any payment pursuant to any other obligation constituting the source of payment for any obligation of an Authority which, in any such case under the laws of the State in effect at the time, constitutes interest, or a payment in the nature of interest, shall be exempt from all such laws of the State governing usury or prescribing or limiting interest rates.

Section 14. Exemption from Competitive Bid Laws. Any Authority and all contracts made by it shall be exempt from the laws of the State now or hereafter in effect that require competitive bids for any contract to be entered into by municipalities or by public corporations authorized by such municipalities, including, but without limitation to, the provisions of Article 3 of Chapter 16 of Title 41 of Code of Alabama 1975.

Section 15. Prohibition of Sectarian Use of Facilities. The purpose of this Act is to encourage private not-for-profit organizations, whether or not having any religious affiliation, to satisfy secular needs concerning the housing, care and treatment of persons requiring special care, which needs, if not so satisfied by

such private not-for-profit organizations, would have to be satisfied in some degree by governmental agencies at public expense. No Facility acquired, improved, financed or in any way provided or assisted by any Authority pursuant to the provisions of this Act shall be used by a User to promote any sectarian purpose or to advance or inhibit any religious activity, nor shall any such Facility be operated by any User in a manner so pervaded by religious activities that the secular objectives of this Act cannot be separated from the sectarian interests or purposes of such User to the extent required by the Constitution of Alabama and the First Amendment to the Constitution of the United States of America. Nothing contained in this Act, however, shall be construed to prohibit any User from providing such facilities and assistance as are necessary to enable the residents at any Facility to have such opportunities for religious experience as they may individually desire and be entitled to in accordance with the principles of religious freedom guaranteed by the Constitution of Alabama and the First Amendment to the Constitution of the United States of America.

Section 16. Limitations Concerning the Use of Management Contracts in the Operation of Facilities. The User of any Facility acquired, improved, financed or in any way provided or assisted by any Authority pursuant to the provisions of this Act shall not employ any third party that is not a governmental agency or a not-for-profit organization to administer or manage such Facility unless the following conditions with respect to such third party and the employment arrangement or management contract between such User and such third party are satisfied:

(a) such User shall be completely unrelated to such third party and shall be free from any aspect of control or undue influence by such third party, it being the intention of this Act that prohibited control or undue influence shall be deemed to arise from circumstances such as (i) the promotion or encouragement of the organization of such User by such third party for the primary purpose of having such User own or lease any Facility that is to be managed by such third party, (ii) the selection or nomination by such third party of any of the members of the initial or any subsequent governing body of such User or (iii) the past or present existence of any substantial business relationship between any member of the governing body of such User and any person who has a substantial economic interest in such third party or who by reason of being a partner, officer, director or stockholder of such third party has any significant influence in the management of its affairs;

(b) such User shall retain ultimate control of the operation

of such Facility, including, without limiting the generality of the foregoing, (i) the power to make all significant decisions relating to the financial management of such Facility, (ii) the power to employ, or to terminate the employment of, the chief administrator of such Facility and all other employees holding positions of significant responsibility in the management of such Facility and (iii) the power to determine all terms and conditions upon which the benefits and services provided by such Facility shall be made available to persons needing or desiring to use the same;

(c) the employment arrangement or management contract between such User and such third party shall fix the compensation of such third party on a basis that is reasonably related to the value of the services performed by such third party and that does not transfer to such third party a substantial part of the financial burdens or benefits of the ownership of such Facility; and

(d) no management contract between such User and such third party shall have a term greater than three years, including in such term any period for which such contract may be renewed or extended at the option of such third party.

If the relationship between any User and any third party employed to administer or manage any Facility complies with the foregoing provisions of this section, then in such case nothing contained in this Act shall be construed (i) to prohibit the employment of such third party to administer or manage such Facility or (ii) to mean that such User does not operate such Facility for any purpose of this Act.

Section 17. Liberal Construction. This Act shall be construed liberally to effect its purposes and neither this Act nor anything herein contained is or shall be construed as a restriction or limitation upon any powers which any Authority might otherwise have under any laws of the State, and the provisions of this Act are cumulative to any such powers. This Act does and shall be construed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to other laws. However, the issuance of bonds, notes and other obligations of any Authority under the provisions of this Act need not comply with the requirements of any other law of the State generally applicable to the issuance of bonds, notes and other obligations by other public corporations organized under the laws of the State.

Section 18. Cooperation; Aid from Other Bodies. For the purpose of attaining the objectives of this Act, any County,

Municipality or other political subdivision, public corporation, agency or instrumentality of the State may, upon such terms and with or without consideration, as it may determine, do any or all of the following: (i) lend or donate money to any Authority or perform services for the benefit thereof; (ii) donate, sell, convey, transfer, lease or grant to any Authority, without the necessity of authorization at any election of qualified voters, any property of any kind; and (iii) do any and all things, whether or not specifically authorized in this Section 18, not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with any Authority in attaining the objectives of this Act.

Section 19. Earnings of the Authority. Every Authority shall be a not-for-profit public corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any private person, except that in the event the Board of any Authority shall determine that sufficient provision has been made for the full payment of the expenses, bonds, notes and other obligations of such Authority, then any net earnings thereafter accruing shall be paid to the Determining Municipality.

Section 20. Notice of Bond or Note Resolution. Upon the adoption by the Board of any Authority of any resolution providing for the issuance of bonds or notes, such Authority may, in the discretion of its Board, cause a notice respecting the issuance of such bonds or notes to be published once a week for two consecutive weeks in each County in which shall be located any Facility financed or in any way assisted by the issuance of such bonds or notes, such publication in each such County to be in a newspaper having general circulation therein. Such notice shall be in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the chairman or secretary of such Authority: "_____, a public corporation and instrumentality of the State of Alabama, on the ____ day of _____, authorized the issuance of \$_____ principal amount of bonds (or notes, as the case may be) of the said public corporation for purposes authorized in the act of the Legislature of Alabama under which the said public corporation was organized. Any action or proceeding questioning or contesting the validity of the said bonds (or notes), or the instruments securing the same, or the proceedings authorizing the same, must be commenced on or before _____ (here insert a date determined in accordance with the provisions of the next paragraph of this section)."

The date stated in such notice as the date on or before which any action or proceeding questioning or contesting the validity of the

bonds or notes referred to therein must be commenced shall be a date at least thirty (30) days after the date on which occurs the last publication of such notice necessary for it to have been published at least once in all counties in which it is required to be published. Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds or notes referred to in such notice or to contest the validity of any such bonds or notes, or the validity of any instruments securing the same, must be commenced on or before the date determined in accordance with the preceding sentence and stated in such notice as the date on or before which any such action or proceeding must be commenced. After such date no right of action or defense shall be asserted questioning or contesting the validity of such bonds or notes, or the instruments securing the same, or the proceedings authorizing the same, nor shall the validity of such bonds or notes or such instruments or proceedings be open to question in any court on any ground whatsoever, except in an action or proceeding commenced on or before such date.

Section 21. Dissolution of any Authority and Vesting of Title to Its Properties. At any time when any Authority does not have any bonds, notes or other obligations outstanding and when there shall be no other obligations assumed by such Authority that are then outstanding, the Board of such Authority may adopt a resolution, which shall be duly entered upon its minutes, declaring that the Authority shall be dissolved. Upon the filing for record of a certified copy of said resolution in the office of the Judge of Probate in which the Authority's certificate of incorporation was filed, the Authority shall thereupon stand dissolved, and in the event it owned any assets or property at the time of its dissolution, the title to all such assets or property shall thereupon vest in the Determining Municipality. The formation or dissolution of one or more Authorities authorized by any Determining Municipality shall not prevent the subsequent formation of other Authorities authorized by the same Determining Municipality.

Section 22. Severability. The provisions of this Act are expressly declared to be severable. If any provision of this Act shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this Act, and the operation of such judgment shall be limited to the provision thereof directly involved in the action in which such judgment shall have been rendered.

Section 23. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor of the State, or upon its otherwise becoming a law.

Approved July 17, 1979

Time: 2:30 P.M.

Act No. 79-333

H. 916—Bowling, Brakefield

AN ACT

Proposing an amendment to the Constitution of 1901, as amended, to repeal Amendment No. 225 to the Constitution of 1901, relating to Winston County and referendums on local legislation.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of 1901, as amended, is proposed and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

Amendment No. 255 to the Constitution of 1901, as amended, providing for referendums in the county or political subdivisions thereof on local legislation is expressly repealed.

Section 2. An election upon the proposed amendment is ordered to be held at the next general election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House July 11, 1979

Passed the Senate July 17, 1979

Act No. 79-334 H. 533—Langford, Jackson, McKee,
Wyatt, Buskey, Warren,

Stewart, Kennedy (Y),
Smith (J), Hilliard, Amari,
Horn, Coburn, Kennedy (C),
Dixon, Holmes, Holley

AN ACT

To further provide for the procedure in a petition for the sale for division of property held by joint owners or tenants in common so as to provide for the purchase of the interests of the joint owners or tenants in common filing for the partition by the other joint owners or tenants in common.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the filing of any petition for a sale for division of any property, real or personal, held by joint owners or tenants in common, the court shall provide for the purchase of the interests of the joint owners or tenants in common filing for the petition or any others named therein who agree to the sale by the other joint owners or tenants in common or any one of them. Provided that the joint owners or tenants in common interested in purchasing such interests shall notify the court of same not later than ten (10) days prior to the date set for trial of the case and shall be allowed to purchase whether default has been entered against them or not.

Section 2. In such circumstances as described in Section 1 hereof, and in the event the parties cannot reach agreement as to the price, the value of the interest or interests to be sold shall be determined by one or more competent real estate appraisers or commissioners, as the court shall approve, appointed for such purpose by the court. The appraisers or commissioners appointed under this section shall make their report in writing to the court within 30 days after their appointment.

Section 3. After the report of the appraisers or commissioners, the tenants in common or joint owners seeking to purchase the interests of those filing the petition shall have 30 days to pay into the court the price set as the value of those interests to be purchased. Upon such payment and approval of same by the court, the clerk shall execute and deliver or cause to be executed and delivered the proper instruments transferring title to the purchasers.

Section 4. Should the joint owners or tenants in common fail to pay the purchase price as provided in Section 3 above, the court shall proceed according to its traditional practices in such cases as described in Section 1 hereof.

Section 5. The costs of the appraisers or commissioners shall be taxed as a part of the cost of court to those seeking to or

purchasing the interests.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 17, 1979

Time: 5:10 P.M.

Act No. 79-335

H. 687—Starkey

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence; to require that the provisions hereof shall become effective immediately, and only upon approval of the electors of the County residing within the territory proposed to be annexed voting by four separate areas as hereinafter provided; and if the electors residing in any one of the said four areas proposed to be annexed voted in favor of annexation, then such area shall be annexed, and if any one of the said four areas proposed to be annexed vote against such annexation, then such area shall not be annexed; and to require the Judge of Probate of Lauderdale County, Alabama to conduct the election after due notice thereof as herein provided.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Florence be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of the City of Florence all of the following additional adjacent territory in Lauderdale County, Alabama, situated, to-wit:

TRACT 1.

TRACT 2.

TRACT 3.

TRACT 4.

Section 2. The substantive provisions of this Act shall not be effective until it shall have been approved at a special referendum

election as follows: The Judge of Probate of Lauderdale County shall conduct the election and the Board of Registrars shall prepare and furnish to the Judge of Probate poll lists for use in the said election. The City of Florence shall pay for the expense of said election.

The Judge of Probate shall prepare four separate poll lists for the said election. One list shall contain the names of all qualified electors who reside within the area hereinabove described as Tract 1; one list shall contain the names of all qualified electors who reside within the area hereinabove described as Tract 2; one list shall contain the names of all qualified electors who reside within the area hereinabove described as Tract 3; one list shall contain the names of all qualified electors who reside within the area hereinabove described as Tract 4.

Separate ballot boxes or voting machines shall be used for electors listed on each of the four said lists, and the voting places shall be designated in the notice of the election as hereinafter provided; the votes shall be counted and the returns canvassed, tabulated and certified as to each of the four groups of electors. In all other respects the election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held at the call of the Judge of Probate not less than 20 nor more than 40 days from the effective date hereof. Notice of the election shall be given by the Judge of Probate of Lauderdale County, which notice shall be published at least once in a newspaper of general circulation in the county prior to the date of the election and said notice shall state the places of voting for all four groups of electors. The poll lists to be used in the election shall be open for public inspection during the regular business hours of the Probate Court for the two weeks immediately prior to the election. The proposition to be voted shall be stated substantially as follows: "Do you favor the local law passed at the 1979 Regular Session of the Legislature altering or extending the boundaries of the City of Florence?" Yes () No ().

If the majority of the electors residing within the area called Tract 1 vote in the affirmative, the area called Tract 1 shall be annexed to the City of Florence immediately upon certification of the results of the election by the Judge of Probate. If a majority of the electors within the area called Tract 1 vote in the negative, this part of this Act as to Tract 1 shall have no further effect. If a majority of the electors residing within the area called Tract 2 vote in the affirmative, the area called Tract 2 shall be annexed to the City of Florence immediately upon certification of the results of the election by the Judge of Probate. If a majority of the electors within

the area called Tract 2 vote in the negative, this part of this Act as to Tract 2 shall have no further effect. If a majority of the electors residing within the area called Tract 3 vote in the affirmative, the area called Tract 3 shall be annexed to the City of Florence immediately upon certification of the results of the election by the Judge of Probate. If a majority of the electors of the area called Tract 3 vote in the negative, this part of this Act as to Tract 3 shall have no further effect. If a majority of the electors residing within the area called Tract 4 vote in the affirmative, the area called Tract 4 shall be annexed to the City of Florence immediately upon certification of the results of the election by the Judge of Probate. If a majority of the electors of the area called Tract 4 vote in the negative, this part of this Act as to Tract 4 shall have no further effect.

The Judge of Probate of Lauderdale County shall certify the results of the election separately as to each group of electors of each area, as provided for herein, to the Secretary of State and to the Board of Commissioners of the City of Florence.

TRACT 1

Beginning at a point on the Existing Corporate Limits of the City of Florence and the centerline of Cypress Creek, said point being North 62° 01' East from TVA Marker #53-157; thence South 62° 01' East a distance of 1866 feet to TVA Marker #53-136; thence North 27° 59' West 1216 feet to TVA Marker #53-135; thence North 27° 50' West 209 feet, more or less to the North line of TVA Boundary; thence North 62° 02' East with said TVA Boundary 1108.42 feet to TVA Marker #18; thence North 55° 28' East 830 feet, more or less to the West line of Savannah Highway (Alabama #20); thence northwestwardly with the West line of said Savannah Highway 5750 feet, more or less to the Northeast corner of Section 19, Township 3 South, Range 11 West; thence with the North line of aforesaid Section 19 a distance of 2640 feet, more or less to the Southeast corner of the Southwest $\frac{1}{4}$ of Section 8, Township 3 South, Range 11 West; thence North with the East line of the Southwest $\frac{1}{4}$ of said Section 8 a distance of 2640 feet, more or less to the Northeast corner thereof; thence West with the North line of the Southwest $\frac{1}{4}$ of said Section 8 and the South line of the Northeast $\frac{1}{4}$ of Section 7, Township 3 South, Range 11 West, 3960 feet, more or less to the Southwest corner of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 7; thence North with the West line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 7 a distance of 2740 feet, more or less to a point 100 feet North of the North line of aforesaid Section 7; thence East 210 feet, more or less to the West line of Old Savannah Highway; thence northwardly with the West line of Old Savannah Highway 2830

feet; thence West 585 feet to a point; thence North 635 feet; thence East 740 feet, more or less to the West line of aforesaid Old Savannah Highway; thence North with the West line thereof 310 feet, more or less to the West line of Savannah Highway (Alabama #20); thence northwestwardly with the West line of Alabama Highway #20 a distance of 6185 feet, more or less to the South line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 31, Township 2 South, Range 11 West; thence East with said South line to a point on the East line of said Alabama Highway #20; thence North $78^{\circ} 25.7'$ East a distance of 1560 feet, more or less to the centerline of Cypress Creek; thence with the centerline of said creek to the intersection with the centerline of Little Cypress Creek; thence northeastwardly with the centerline of Little Cypress Creek a total of 5250 feet, more or less to the North line of Old Jackson Road; thence eastwardly with the North line of said Old Jackson Road 6190 feet, more or less to the West line of Section 33, Township 2 South, Range 11 West; thence North with the West line of said Section 33 and the extension thereof 4140 feet, more or less to the Northwest corner of Southwest $\frac{1}{4}$ of Section 28, Township 2 South, Range 11 West; thence East with the North line of the Southwest $\frac{1}{4}$ of said Section 28 a distance of 2640 feet to the Existing Corporate Limits of the City of Florence; thence continue East with the Existing Corporate Limits of the City of Florence 304 feet; thence South with the Existing Corporate Limits 750 feet to a point; thence East with the Existing Corporate Limits 734.16 feet; thence North with the Existing Corporate Limits 750 feet; thence East with the Existing Corporate Limits 845 feet; thence South with the Existing Corporate Limits 220 feet; thence East 747 feet, more or less to the East line of aforesaid Section 28; thence South with the Existing Corporate Limits 1100 feet, more or less to the North line of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 28; thence West with said North line 856.95 feet; thence South $0^{\circ} 28' 14''$ East with the Existing Corporate Limits 319.59 feet; thence South $89^{\circ} 43' 39''$ West with the Existing Corporate Limits 65.94 feet; thence South $5^{\circ} 55' 07''$ East with the Existing Corporate Limits 1029.55 feet to the South line of said Section 28; thence North $89^{\circ} 43' 39''$ East along said South line and the Existing Corporate Limits 836.64 feet to the Northeast corner of Section 33, Township 2 South, Range 11 West; thence South along the East line of said Section 33 and the Existing Corporate Limits 3000 feet, more or less to the centerline of Cox Creek; thence southwardly with the centerline of Cox Creek and continuing with the centerline of Cypress Creek a total of 24620 feet to a point; thence southeastwardly with the Existing Corporate Limits 250 feet, more or less to the centerline of Cypress Bend Place; thence eastwardly and southwardly with the centerline of said Cypress Bend Place 1670 feet, more or less to the centerline of

Old Waterloo Road; thence Eastwardly with said centerline 230 feet, more or less to the centerline of Cypress Creek; thence downstream with the centerline of Cypress Creek and the Existing Corporate Limits 6970 feet, more or less to the West line of the Southeast $\frac{1}{4}$ of Section 9, Township 3 South, Range 11 West; thence South with said West line and the Existing Corporate Limits 1310 feet, more or less to the North line of Section 16, Township 3 South, Range 11 West; thence East with said North line and the Existing Corporate Limits 1050 feet; thence South with the Existing Corporate Limits 850 feet, more or less to the centerline of Cypress Creek; thence southwardly with said centerline 5380 feet, more or less to the point of beginning.

TRACT 2

Beginning at a point 2200 feet East of the Northwest corner of Section 28, Township 2 South, Range 11 West, on the South line of Rasch Road, said point being the Northwest corner of Lot 13, Block 2, Rasch Heights Subdivision, according to the plat thereof recorded in the office of the Judge of Probate of Lauderdale County, Alabama, in Plat Book 3, Page 45; thence West with the South line of said Rasch Road 1186 feet to a point; thence at right angles North 281.2 feet to a point; thence at right angles East 1376 feet, more or less to a point 232 feet West of the West line of Kelley Road; thence North and parallel to Kelley Road and with the West line of Scott Land Heights, as shown in Plat Book 4, Page 43, of aforesaid records, and the extension thereof to the South line of Sunny Acres as shown in Plat Book 3, Page 84, of aforesaid records; thence West with the South line of said Sunny Acres 418 feet to the Southwest corner thereof; thence North with the West line of aforesaid Sunny Acres Subdivision and the extension thereof 675 feet, more or less to the South line of New Castle Estates, as shown in Plat Book 4, Page 131, of aforesaid records; thence West with the South line of said New Castle Estates 1337 feet, more or less to the Southwest corner of said subdivision; thence North $0^{\circ} 07'$ West with the West line of said New Castle Estates 658.6 feet to the Northwest corner thereof, said point being on the South line of Section 16, Township 2 South, Range 11 West; thence West with the South line of said Section 16 a distance of 1000 feet, more or less to the Southwest corner thereof; thence North with the West line of said Section 16 a distance of 1440 feet, more or less to the North line of Cloverdale Road (Highway 157); thence southeastwardly with the North line of said Cloverdale Road 2980 feet, more or less to the West line of Hale Drive as it now exists; thence northwardly with the West line of said Hale Drive 520 feet to a point; thence East 820 feet, more or less to the West line of Call's Oak Haven Homes Subdivision, as shown in Plat Book 3, Page 42, of aforesaid records; thence North with the West line of

said Call's Oak Haven Homes Subdivision 267 feet to the Northwest corner thereof; said point being on the North line of the South $\frac{1}{2}$ of Southeast $\frac{1}{4}$ of Section 16, Township 2 South, Range 11 West; thence East with said North line 1394 feet, more or less to a point 300 feet West of the West line of Stoney Point Road; thence North and parallel to said Stoney Point Road 1425 feet, more or less to the South line of Crockett Drive as shown on plat of Dewberry Hills recorded in Plat Book 4, Page 62, of aforesaid records; thence West with said south line of Crockett Drive 550 feet to a point; thence northwestwardly 576 feet, more or less to the Southwest corner of Lot 18 of aforesaid Dewberry Hills Subdivision; thence North $17^{\circ} 25'$ West with the West line thereof 504 feet to the Northwest corner of Lot 21; thence East with the North line of said Lot 21 a distance of 160 feet to a point; thence North a distance of 300 feet to a point; thence east 950 feet to the West line of Stoney Point Road; thence northwardly with the West line of said road 1540 feet to a point 230 feet North of and 40 feet West of the Southeast corner of Section 9, Township 2 South, Range 11 West; thence East 80 feet to the Northwest corner of Lot 6, Block B, Greenbrier Acres as shown in Plat Book 3, Page 122, of aforesaid records; thence East with the North line of Lots 1 through 6, Block B and all of Block A of Greenbrier Acres 1240 feet to a point; thence North to the Southwest corner of Lot 6, Block 1 of Townsley Shady Ridge Homes, Addition No. 1, as shown in Plat Book 3, Page 101, of aforesaid records, a distance of 630 feet; thence continue with the West line of said Block 1 and the extension thereof 1520 feet to a point; thence East 1320 feet to the West line of the East $\frac{1}{2}$ of Section 10, Township 2 South, Range 11 West; thence South with the West line of the East $\frac{1}{2}$ of said Section 10 a distance of 2150 feet, more or less to a point 205 feet North of the North line of Danley Road; thence East and parallel to said Danley Road 3180 feet, more or less to the East line of Chisholm Road (Highway No. 17); thence Southwardly with said East line 205 feet, more or less to the South line of Section 11, Township 2 South, Range 11 West; thence East with the South line of said Section 11 a distance of 2130 feet, more or less to the East line of L & N Railroad; thence Southwestwardly with said East line a distance of 875 feet, more or less to a point on the existing corporate limits of the City of Florence, Alabama as shown on the Zoning map of said City revised in 1977; thence Eastwardly 1830 feet, more or less to a point 1320 feet West of the East line of Section 14, Township 2 South, Range 11 West; thence south 1250 feet to the South line of Church Road; thence northwestwardly with the South line of said Church Road 1650 feet to a point; thence Northwardly with existing corporate limits 640 feet; thence West with existing corporate limits 390 feet, more or less to the West line of L & N Railroad; thence Southwestwardly with said West line 2070 feet to the Northeast corner of tract "L"

Florence Lauderdale Industrial District as shown in Plat Book 4, Page 36, of aforesaid records; thence West 1250 feet, more or less to the centerline of Chisholm Road (Highway No. 17); thence Northwardly with said centerline and the existing corporate limits 1300 feet to the intersection of the South line of Church Road; thence West with present corporate limits 260 feet to the East line of Section 15, Township 2 South, Range 11 West; thence North with the East line 1320 feet to the South line of Danley Road; thence West with said South line 1320 feet to the Northwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 15; thence South along the West line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 15 a distance of 2640 feet, more or less to the Southwest corner of Twin Oaks Subdivision as shown in Plat Book 5, Page 35, of aforesaid records, said point being on the North line of Oak Hill Subdivision as shown in Plat Book 5, Page 19 and 19-A, of aforesaid records; thence West with the North line of said Oak Hill Subdivision 1320 feet to the Northwest corner thereof; thence South with the West line of Oak Hill Subdivision 2640 feet to the centerline of Section Line Road, also being the South line of said Section 15; thence East with the South line of said Section 15 a distance of 1335.74 feet to a point; thence North $0^{\circ} 15' \text{ West}$ 1459 feet to the South line of Block 12 of said Oak Hill Subdivision; thence North $89^{\circ} 28' \text{ East}$ a distance of 509.28 feet; thence South $35^{\circ} 10' \text{ East}$ a distance of 572.41 feet; thence North $86^{\circ} 59' \text{ East}$ a distance of 500 feet to the West line of Chisholm Road (Highway No. 17); thence North $0^{\circ} 01' \text{ East}$ with the West line of Chisholm Road (Highway No. 17) 348.3 feet; thence South $89^{\circ} 09' \text{ West}$, 275 feet; thence North $0^{\circ} 20' \text{ West}$ 323.78 feet; thence North $87^{\circ} 18' \text{ West}$ 10.19 feet; thence North $0^{\circ} 56' \text{ West}$ 175.99 feet; thence eastwardly with the existing corporate limits 590 feet to the East line of Chisholm Road (Highway No. 17); thence Southwardly with the West line of tract "L" of aforesaid Florence Lauderdale Industrial District 100 feet to a point; thence East 100 feet; thence South 125 feet to the South line of said tract "L"; thence East with said south line 1002 feet to the West line of L & N Right of Way; thence southwestwardly with said West Right of Way 2580 feet, more or less to the North line of Kendall Drive; thence West with said North line 480 feet to the East line of Chisholm Road; thence Southwardly with said East line 2000 feet to the existing corporate limits; thence East with existing corporate limits 640 feet, more or less to the West Right of Way of L & N Railroad; thence southwardly with the West line of said Right of Way 2350 feet, more or less to the North line of Rose Park Subdivision as shown in Plat Book 3, Page 7, of aforesaid records; thence West with the North line of said Rose Park Subdivision 1089 feet, more or less to the centerline of Chisholm Road (Highway No. 17); thence South along the centerline of said

Chisholm Road 990 feet to the intersection of the centerline of Rose Drive, said point also being the centerline of Rasch Road; thence West with the centerline of said Rasch Road 3700 feet, more or less to the Northwest corner of Lot 22, Block 8, Forest Hills Addition No. 1, as shown in Plat Book 3, Page 158; thence South $1^{\circ} 04'$ West with the West line of said Forest Hills Addition No. 1 a distance of 665.35 feet to the Southwest corner of Lot 16 of aforesaid Block 8; thence North $89^{\circ} 38'$ West 469.3 feet to the Northwest corner of Lot 10 of aforesaid Block 8; thence South $15^{\circ} 42'$ East a distance of 730 feet to a point; thence West with the existing corporate limits 2740 feet, more or less to the West line of Elm Grove as shown in Plat Book 3, Page 67; thence North with the West line of said Elm Grove Subdivision and along the existing corporate limits 1110 feet to a point; thence West with the existing corporate limits 420 feet, more or less to the West line of Scott Drive; thence North with said West line 190 feet to the South line of Rasch Road; thence West along the South line of said Rasch Road and the existing corporate limits 1420 feet to the point of beginning.

TRACT 3

Beginning at the Southeast corner of Brookwood East Plat Two Subdivision, as shown in Plat Book 5, Page 23, recorded in the office of the Judge of Probate of Lauderdale County, Alabama, said point being on the North line of U. S. Highway 72 and 43 and the Existing Corporate Limits of the City of Florence; thence North $10^{\circ} 30'$ West 350 feet; thence North $76^{\circ} 14'$ East 152.5 feet; thence North $10^{\circ} 26'$ West 445.5 feet; thence South $88^{\circ} 14'$ West 205.42 feet; thence North $0^{\circ} 57'$ West 1212.8 feet, more or less to the centerline of Hough Road; thence East with the centerline of said Hough Road 1780 feet, more or less to the centerline of Middle Road, also being the Southwest corner of the Northwest $\frac{1}{4}$ of Section 32, Township 2 South, Range 10 West; thence continuing East with the South line of the Northwest $\frac{1}{4}$ of said Section 32 a distance of 2640 feet, more or less to the Southeast corner thereof; thence North with the East line of the Northwest $\frac{1}{4}$ of said Section 32 a distance of 2640 feet, more or less to the North line of said Section 32; thence West with said North line 2640 feet, more or less to the Northwest corner of said Section 32 and the centerline of Middle Road; thence North with said centerline and the West line of Section 29, Township 2 South, Range 10 West 2640 feet, more or less to the Northwest corner of the Southwest $\frac{1}{4}$ of said Section 29, being on the centerline of a county road; thence East with said centerline 1320 feet, more or less to the

Southeast corner of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 29; thence North to the North line of last said county road; thence East with the North line thereof 3890 feet, more or less to the West line of Bailey Springs Road; thence North with the West line of said Bailey Springs Road 165 feet, more or less to the extension of the North line of Waymack Heights Subdivision, as shown in Plat Book 1, Page 291, of aforesaid records; thence East with said extended North line and the North line of said Waymack Heights 1617 feet, more or less to the North line of a Resurvey of Belle Meade Addition as shown in Plat Book 4, Page 40, of aforesaid records; thence East with said North line 943 feet to the North line of Belle Meade Subdivision as shown on Plat Book 3, Page 115, of aforesaid records; thence continuing East with said North line 1400 feet to the Northeast corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 28, Township 2 South, Range 10 West; thence East with the North line of the Southeast $\frac{1}{4}$ of said Section 28 a distance of 1286 feet to the West line of Bennett Road; thence North with the West line of said Bennett Road 2120 feet; thence East 800 feet; thence Northeastwardly 3000 feet, more or less to the intersection of the centerline of Shoal Creek and the North line of Section 27, Township 2 South, Range 10 West; thence southwardly with the centerline of said Shoal Creek 14,000 feet, more or less to the Lauderdale County Line; thence Westwardly with said Lauderdale County Line 19,000 feet, more or less to the East line of Section 8, Township 3 South, Range 10 West; thence North with said East line 7,600 feet, more or less to the 505 foot contour line, said point being approximately 900 feet south of the Northeast corner of Section 5, Township 3 South, Range 10 West; thence Westwardly with the 505 foot contour line 600 feet, more or less to the centerline of Lake Street, in Wilson Heights Subdivision, as shown in Plat Book 1, Pages 207-208, of aforesaid records; thence Westwardly with the centerline of Lake Street 750 feet, more or less to the centerline of Virginia Avenue; thence North with the centerline of said Virginia Avenue 880 feet, more or less to the centerline of Garrett Avenue, in Wilson Heights Subdivision, as shown in Plat Book 1, Page 101, of aforesaid records; thence West with the centerline of said Garrett Avenue 1320 feet, more or less to the West line of the Southeast $\frac{1}{4}$ of Section 32, Township 2 South, Range 10 West; thence North with said West line 1320 feet, more or less to the South line of Old Huntsville Road; thence southwestwardly with the South line of Old Huntsville Road 3800 feet, more or less to the Northeast corner of Lakeside Highland Subdivision, as shown in Plat Book 1, Pages 273-274, of aforesaid records, and the Existing Corporate Limits of the City of Florence; thence continue Southwestwardly with the South line of Old Huntsville Road 720 feet; thence northwestwardly

with the Existing Corporate Limits 280 feet; thence West with the Existing Corporate Limits 250 feet; thence North with the Existing Corporate Limits 1320 feet, more or less to the South line of Section 31, Township 3 South, Range 10 West; thence West with said South line and the Existing Corporate Limits 2100 feet, more or less to the South line of U. S. Highway 72 and 43; thence northeastwardly with the South line of said Highway 1700 feet, more or less to the East line of Seville Street extended; thence Northwardly with the East line of said extended Seville Street 180 feet, more or less to the point of beginning.

TRACT 4

Beginning at a point which is 925 feet North $89^{\circ} 10'$ East of the Northwest corner of the Northeast $\frac{1}{4}$ of Section 25, Township 2 South, Range 11 West, said point being on the centerline of Mars Hill Road and the Existing Corporate Limits of the City of Florence; thence West with the North line of said Section 25 a distance of 2339 feet, more or less to the East line of Add. No. 1 of the Florence-Lauderdale Industrial District, as shown in Plat Book 4, Page 150, of aforesaid records; thence North with the East line of said Add. No. 1 of the Florence-Lauderdale Industrial District 1320 feet, more or less to the North line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 24; thence East with said North line and the extension thereof 3692 feet, more or less to the West line of Section 19, Township 2 South, Range 10 West; thence North with said West line 1320 feet, more or less to the Southwest corner of the Northwest $\frac{1}{4}$ of said Section 19; thence East 1320 feet, more or less to the Southwest corner thereof; thence North 1320 feet, more or less to the Northwest corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of aforesaid Section 19, said point also being the Existing Corporate Limits of St. Florian, Alabama; thence with said Existing Corporate Limits of St. Florian and the South line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 19 a distance of 1320 feet, more or less to the Southeast corner thereof; thence North with the East line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 19 a distance of 1320 feet, more or less to the centerline of a county road and the Existing Corporate Limits of St. Florian; thence East with said centerline 1320 feet, more or less to the Northeast corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 19; thence South with the East line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 19 and the Existing Corporate Limits of St. Florian a distance of 3960 feet, more or less to the Southeast corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 19; thence West with the South line of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and the South line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 19 a

distance of 1930 feet, more or less to the East line of Old Jackson Highway; thence southwestwardly with said East line 1700 feet, more or less to the extension of the centerline of Mars Hill Road; thence West with the centerline of said Mars Hill Road 2540 feet, more or less to the point of beginning; ALSO Beginning at the Southwest corner of the Northeast $\frac{1}{4}$ of Section 31, Township 2 South, Range 10 West, said point being in the centerline of Hough Road; thence North 487.12 feet to the Northwest corner of Lot 3, Block 8, Pinehurst Addition, as shown in Plat Book 1, Page 1, in the office of the Judge of Probate of Lauderdale County, Alabama; thence North $89^{\circ} 23'$ East 410 feet to the Northeast corner of Lot 1, Block 9 of said Pinehurst Addition; thence South 505 feet to the Northwest corner of Lot 1, Brookwood East Subdivision, as shown in Plat Book 5, Page 13, of aforesaid records; thence South $1^{\circ} 33'$ East 154 feet to the Southwest corner of Lot 1 of said Subdivision; thence North $88^{\circ} 48'$ East 60 feet; thence South $0^{\circ} 31'$ West 446.1 feet to the North line of Riviera Drive; thence South $88^{\circ} 48'$ West with said North line 30 feet; thence continuing with the said North line, South $75^{\circ} 38'$ West 133.1 feet to the Eastwardly Right of Way of Cox Creek Parkway (Alabama Highway No. 133); thence Northwestwardly with the Northeastwardly Right of Way of said Cox Creek Parkway to the North line of the South $\frac{1}{2}$ of said Section 31; thence East with said North line 81 feet to the point of beginning.

Section 3. Should any section, provision or part of this Act be declared unconstitutional or void by any court of competent jurisdiction, it shall not affect the validity of the remaining provisions or parts of this Act.

Section 4. This Act shall become effective as set out hereinabove, upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 18, 1979

Time: 11:45 A.M.

Act No. 79-336

S. 269—Callahan

AN ACT

To amend further Section 3 of Act No. 96, H. 17, First Special Session 1971 (Acts 1971, p. 166), which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 96, H. 17, First Special Session

1971 (Acts 1971, p. 166), is hereby amended to read as follows:

"Section 3. Exemptions. There are exempted from the computation of the amount of tax levied, assessed or payable under this Act the following:

"(a) The gross proceeds accruing from the leasing or rental of a film or films to a lessee who charges, or proposes to charge, admission for viewing the said film or films;

"(b) The gross proceeds accruing from any charge in respect of the use of docks or docking facilities furnished for boats or other craft operated on water ways;

"(c) The gross proceeds accruing from any charge made by a landlord to a tenant in respect of the leasing or furnishing of tangible personal property to be used on the premises of real property leased by the same landlord to the same tenant for use as a residence or dwelling place, including mobile homes;

"(d) The gross proceeds accruing from the leasing or rental of tangible personal property to a lessee who acquires possession of the said property for the purpose of leasing or renting to another the same property under a leasing or rental transaction subject to the provisions of this Act;

"(e) The gross proceeds accruing from any charge made by a landlord to a tenant in respect of the leasing or furnishing of tangible personal property to be used on the premises of any room or rooms, lodging, or accommodations leased or rented to transients in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration;

"(f) The gross proceeds accruing from the leasing or rental of tangible personal property which the state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of the state;

"(g) The gross proceeds accruing from the leasing or rental of nuclear fuel assemblies together with the nuclear material contained therein and other nuclear material used or useful in the production of electricity and assemblies containing ionizing radiation sources together with the ionizing radiation sources contained therein used or useful in medical treatment or scientific research;

"(h) A transaction whereunder the lessor leases a truck or tractor-trailer or semitrailer, for operation over the public roads and highways, and such lessor furnishes a driver or drivers for each such vehicle, such transaction shall be deemed to constitute the rendition of service and not a 'leasing or rental' within the meaning

of this Act;

“(i) The gross proceeds accruing from the leasing or rental of vehicles in interchange between regulated motor carriers on a per diem basis;

“(j) The gross proceeds accruing from the leasing or rental of all structures, devices, facilities and identifiable components of any thereof acquired primarily for the control, reduction or elimination of air or water pollution, and the gross proceeds accruing from the leasing or rental of all materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution;

“(k) The gross proceeds derived by the lessor (which term includes a sub-lessor) from the leasing or rental of tangible personal property when the lessor and lessee (which term includes a sub-lessee) are wholly-owned subsidiary corporations of the same parent corporation or one is the wholly-owned subsidiary of the other, provided that the appropriate sales or use tax, if any was due, has been paid on such item of personal property, and provided further, that in the event of any subsequent subleasing of such tangible personal property to any person other than any such sister, parent or subsidiary corporation, any privilege or license tax due and payable with respect to such subsequent subleasing under the provisions of this Act shall be paid; and

“(l) The gross proceeds accruing from a transaction which involves the leasing or rental of vessels or railroad equipment which are engaged in interstate or foreign commerce, or both.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:20 P.M.

Act No. 79-337

H. 959—Manley, Pegues

AN ACT

Proposing an amendment to the Constitution of 1901, as amended, authorizing the City of Demopolis to levy and collect an additional tax on property for public educational purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of

1901, as amended, is proposed and shall become valid as a part of the Constitution when approved by a majority of the electorate voting thereon, as herein provided, and upon proclamation by the Governor:

PROPOSED AMENDMENT

The city of Demopolis shall have power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar of taxable property situated therein, for public educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The provisions of this amendment shall become self-executing upon approval by a majority of the qualified electors of the state and the majority of qualified electors of the city of Demopolis voting thereon. The election shall be ordered, held, and conducted as provided by law for calling, holding and conducting district school tax elections.

Section 2. An election upon the proposed amendment is ordered to be held at the same time as the next general election of the state. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of 1901, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama, 1975, except as otherwise provided in this amendment.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House July 12, 1979

Passed the Senate July 18, 1979

EXTENDING THE REPORTING DATE OF THE JOINT
LEGISLATIVE STUDY COMMITTEE TO STUDY THE
STATE INCOME TAX STRUCTURE.

BE IT RESOLVED BY THE LEGISLATURE OF
ALABAMA, BOTH HOUSES THEREOF CONCURRING, That
the joint legislative study commission to study the state income tax
structure created by Act 79-78, HJR 24, 1979 Regular Session shall
be required to report its findings to the legislature not later than the
5th legislative day of the next regular session of the legislature.
Said reporting date shall be in lieu of any prior reporting date
adopted by the legislature.

Approved July 18, 1979

Time: 9:30 A.M.

Act No. 79-339

H.J.R. 253—Holley

HOUSE JOINT RESOLUTION

CREATING A COMMITTEE TO STUDY THE
FEASIBILITY OF CONSTRUCTING A BUILDING TO HOUSE
THE HIGHWAY DEPARTMENT AND CONVERTING THE
PRESENT BUILDING FOR LEGISLATIVE AND OTHER
DEPARTMENTAL USE, AND TO CONSIDER BUYING AND
HOLDING ADDITIONAL PROPERTY FOR FUTURE USE.

WHEREAS, there exists a serious shortage of office space for
members and staff of the Alabama Legislature; and

WHEREAS, the State of Alabama already owns property near
or adjacent to buildings currently in use by the State Highway
Department; and

WHEREAS, the Highway Department can function and
perform their duties equally as well away from the Capitol
Complex as they do now in their present location, but legislative
offices and some other state departments, by virtue of the services
they perform, must and should be located in close proximity to the
Capitol; and

WHEREAS, should additional property be needed in the
future by the Highway Department, it is only logical and fiscally
responsible that property be purchased in an area where property
values are much lower than those in the downtown or Capitol area;
and

WHEREAS, it is the intent of the Legislature to incorporate by

reference the provisions of H.J.R. 37 and H.J.R. 51, which are Act No. 79-64 and 79-71, respectively, and to extend the deadline for reporting; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to study the availability and feasibility of acquiring additional office space for members of the Legislature and, in the alternative, to study the feasibility of constructing a building to house the Highway Department on state-owned property where the highway shops are now located, and to study the feasibility of converting the present Highway Department building for use by the Legislature and by other state departments that need to remain close to the Capitol Complex but are currently located in buildings leased from private owners. Such committee shall be composed of the legislative members of the State Building Commission and up to twelve members as follows: the Speaker of the House of Representatives shall appoint up to six members from the House and the Lieutenant Governor shall appoint up to six members from the Senate. The members of the committee shall elect from their membership a chairman. The committee shall consider the state's buying the property East of the Capitol, between Washington and Monroe, and using any suitable buildings thereon as a source of rental income for the state until such property is needed for building purposes. If, however, said buildings are unusable, the state shall be authorized to demolish them and hold this property for use as needed in the future to expand the Capitol Complex for departments needing close physical access to the Capitol.

Upon the request of the chairman of such committee, the secretary of the Senate and the clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the 5th legislative day of the 1980 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

Approved July 18, 1979

Time: 9:30 A.M.

Act No. 79-340

H.J.R. 257—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Monday, July 2, 1979, we adjourn to meet again on Tuesday, July 10; when we adjourn on Tuesday, July 10, we adjourn to meet again on Wednesday, July 11; when we adjourn on Wednesday, July 11, we adjourn to meet again on Thursday, July 12; and when we adjourn on Thursday, July 12, we adjourn to meet again on Tuesday, July 17, all dates being in the year 1979.

Approved July 18, 1979

Time: 9:30 A.M.

Act No. 79-341

H. 257—Bennett, Amari

AN ACT

To amend Section 4 of ARTICLE VIII of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, pp. 1579-1599), herein called "Act 929," which said Act 929 established for every city of the State of Alabama having a population of Two Hundred Fifty Thousand (250,000) or more, according to the last or any succeeding federal census, a pension and relief system for officers and employees of such city, and which said Act 929 was amended by Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973 (Ala. Acts, 1973, pp. 2124-2155).

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby provided that Section 4 of ARTICLE VIII of Act 929 is amended so as to read as follows:

Section 4. Members in Armed Forces.

(a) If any participant, either before July 1, 1945, and after October 16, 1940, or after July 1, 1945, and prior to declaration by the Congress or President of the United States of termination of the unlimited national emergency declared by the President in his proclamation of May 27, 1941, shall have left the service for the purpose of entering the Armed Forces of the United States, after having been in the service for at least one year next before such leaving, and shall have left in the Fund all contributions made by him prior to such leaving, and shall have resumed a position of qualified employee in the service of the City within forty days after his separation from such Armed Forces, and, in any event, within one year after declaration by the Congress or the President of the United States of termination of the unlimited national emergency declared by said President in said proclamation of May 27, 1941,

and shall not have been dishonorably discharged from such Armed Forces, then, and in all such events, the City shall promptly pay into the Fund an amount double that which the Participant would have contributed to the Fund from his salary had he continued in the service of the City as a Participant throughout the period between the time of so leaving the service and the time of resumption of position in the service at the same rate of pay he was receiving at the time he so left the service, and, upon such payment into the Fund, the Participant shall be entitled to count as credited service the entire aforesaid period, provided, however, that if such Participant becomes disabled to perform his customary duties at any time within two years after such resumption of position, the amount of any benefits to which he might otherwise be entitled hereunder for any period shall be reduced by any amount paid or payable to him by the federal government for the same period, and provided further that no part of such payment by the City shall be returnable by the Fund under any provision of the System for return of contributions made by Participants. In order to extend the benefits of this Section to some "Korean Veterans" to whom such benefits would not otherwise extend, the unlimited national emergency declared by the President of the United States in his proclamation of May 27, 1941, shall, for the purposes of this Section, be deemed to have been by the Congress or the said President declared terminated at midnight, January 31, 1955, the time designated by the President in Executive Order No. 10585, dated January 1, 1955, "as the date of termination of combatant activities" in the Korean Zone and also the time fixed by said President in Proclamation No. 3080, dated January 1, 1955, as a terminal time for various purposes in respect of service in the Armed Forces.

In order to extend the benefits of this Section to other veterans to whom such benefits would not otherwise extend, it is hereby provided that if any Participant shall have left the service prior to April 20, 1954, for the purpose of serving in the Armed Forces of the United States after having been in the service for at least one year next before leaving, and shall have entered such Armed Forces promptly after such leaving, and shall have left in the Fund all contributions made by him prior to such leaving, and shall have resumed a position of Participant in the service within forty days after his separation from such Armed Forces, and in any event prior to the 21st day of May, 1956, and shall not have been dishonorably discharged from such Armed Forces, then and in all such events, the City shall promptly pay into the Fund an amount double that which the employee would have contributed to the Fund from his salary had he continued in the service as a Participant throughout the period between the time of so leaving the service and the time of resumption of position in the service at

the same rate of pay he was receiving at the time he so left the service, and, upon such payment into the Fund, the Participant shall be entitled to count as credited service the entire aforesaid period, provided, however, that if such Participant becomes disabled to perform his customary duties at any time within two years after such resumption of position, the amount of any benefits to which he might otherwise be entitled hereunder for any period shall be reduced by any amount paid or payable to him by the federal government for the same period, and provided further that no part of such payment by the City shall be returnable by the Fund under any provision of the System for return of contributions made by Participants.

As hereafter used in this Section 4, the term "period of hostilities" means any period subsequent to April 20, 1954, when the United States was, is or shall be engaged in hostilities with any foreign state whether as a result of a declared war or not. In order to further extend the benefits of this Section to other veterans to whom such benefits would not otherwise extend, it is hereby provided that if any Participant shall have left the service subsequent to April 20, 1954, for the purpose of serving in the Armed Forces of the United States, during a period of hostilities, after having been in the service for at least one year next before such leaving and shall have entered such Armed Forces promptly after such leaving, and shall have left in the Fund all contributions made by him prior to such leaving, and shall have resumed a position of qualified employee in the service within forty (40) days after his separation from such Armed Forces, and shall not have been dishonorably discharged from such Armed Forces, then in all such events the City shall promptly pay into the Fund an amount double that which the employee would have contributed to the Fund from his salary had he continued in the service as a Participant throughout the period between the time of so leaving the service and the time of resumption of position in the service at the same rate of pay he was receiving at the time he so left the service, and, upon such payment into the Fund, the Participant shall be entitled to count as credited service the entire aforesaid period, provided, however, that if such Participant becomes disabled to perform his customary duties at any time within two years after such resumption of position, the amount of any benefits to which he might otherwise be entitled under Section 7 of ARTICLE VI for any period shall be reduced by any amount paid or payable to him by the federal government for the same period, and provided further that no part of such payment by the City shall be returnable to the Fund under any provision of the System for return of contributions made by Participants.

Anything to the contrary contained in this Section

notwithstanding, no Participant who has entered the Armed Forces of the United States subsequent to April 20, 1954, and who otherwise qualifies for the benefits provided herein, shall be entitled to receive such benefits upon return to service unless he shall return to such service within five (5) years after having left such service to enter said Armed Forces.

(b) (1) Purpose of subsection (b). The provisions of subsection (a), above, adopted at different times, provide that a Participant's service in the Armed Forces of the United States during a "period of hostilities", as defined in subsection (a), shall be counted as credited service, subject to certain conditions prescribed in said subsection (a). The purpose of this subsection (b) is to provide that when a Participant has served, or is serving, in the Armed Forces of the United States, in response to an order that he enter such Armed Forces, such Participant shall be entitled to count as credited service the entire aforesaid period, without regard to such period being a period of hostilities, subject, however, to the conditions stated in this subsection (b).

(2) As herein used in this subsection (b), these terms have the meanings here given them: "order of the United States" means an order of the United States requiring a person to report for duty in the Armed Forces of the United States.

Subject to the conditions hereinbelow stated in this subsection (b), if any Participant, either before or after the adoption of this subsection (b), shall have left the service for the purpose of entering the Armed Forces of the United States, in response to an order of the United States, after having been in the service for at least 6 months next before such leaving, and shall have left in the Fund all contributions made by him prior to such leaving, and shall have resumed a position of qualified employee in the service of the city within 40 days after his separation from such Armed Forces, and shall not have been dishonorably discharged from such Armed Forces, then, and in all such events, the city shall promptly pay into the Fund an amount double that which the Participant would have contributed to the Fund from his salary had he continued in the service of the city as a Participant throughout the period between the time of so leaving the service and the time of his resumption of position in the service at the same rate of pay he was receiving at the time he so left the service, and upon such payment into the Fund, the Participant shall be entitled to count as credited service the entire aforesaid period, provided, however, that if such Participant becomes disabled to perform his customary duties at any time within two years of such resumption of position, the amount of any benefits to which he might otherwise be entitled hereunder for any period shall be reduced by any amount paid or payable to him by the

federal government for the same period, and provided, further, that no part of such payment by the city shall be returnable by the Fund under any provision of the system for return of contributions made by Participants.

Anything to the contrary contained in this subsection (b) notwithstanding, no Participant who otherwise qualifies for the benefits provided for hereby shall be entitled to receive such benefits upon return to service unless he shall have returned to such service within five (5) years after having left such service to enter said Armed Forces.

This subsection (b) shall not apply to any Participant retiring from the service prior to the adoption of this subsection (b), provided, however, that if any Participant retiring before the adoption of said subsection (b) returns to active service, said subsection (b) shall apply to any period of such Participant's service in the Armed Forces of the United States subsequent to his returning to active duty.

Section 2. This Act shall become effective upon its approval by the Governor or on its otherwise becoming a law.

Approved July 18, 1979

Time: 9:30 A.M.

Act No. 79-342

H. 460—Warren

AN ACT

To provide Solicitor Counsels for the 35th Judicial Circuit; to provide the conditions under which a County Solicitor or District Attorney of the 35th Judicial Circuit may become a Solicitor Counsel; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation and the method of removal from such office.

Be It Enacted by the Legislature of Alabama:

Section 1. Any County Solicitor or District Attorney of the 35th Judicial Circuit:

- (a) who is not less than seventy years of age
- (b) who has served for twelve years or more as County Solicitor or District Attorney
- (c) who is receiving no salary or retirement benefits from the state of Alabama or any County within the 35th Judicial Circuit

may elect to become a Solicitor Counsel of the 35th Judicial Circuit

by filing a written declaration to that effect with the District Attorney of the 35th Judicial Circuit. If the District Attorney shall find that any such declarant is qualified as hereinabove set forth a Commission as Solicitor Counsel for the 35th Judicial Circuit shall thereupon be issued to such declarant by said District Attorney. The Solicitor Counsel must aid and assist the District Attorney and provide other assistance as required by the county of his residence if possible.

Section 2. The salary of each Solicitor Counsel shall be \$3,000 per annum payable in equal monthly installments with \$125.00 per month payable from any District Attorney's fund which comes within the 35th Judicial Circuit and \$125.00 per month payable from the County's General Fund of the residence of the Solicitor Counsel. Such Solicitor Counsel shall hold office during the good behavior of such Solicitor Counsel but upon refusal to assist the District Attorney such Solicitor Counsel may be removed with a majority vote of the County Commission of the county in which the Solicitor Counsel resides.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:30 A.M.

Act No. 79-343

H. 613—Turner

AN ACT

Relating to Mobile County; creating the Mowah Band of the Choctaw Indian Commission; providing for its duties and membership; prescribing the composition and terms of office of the members of said commission; and repealing all laws or parts of laws conflicting with this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in Mobile County a commission to be known as the Mowah Band of the Choctaw Indian Commission of Mobile County, Alabama, hereinafter referred to as the "commission."

Section 2. The purpose of this commission shall be to deal fairly and effectively with Indian affairs to bring local, state, and federal resources into focus for the implementation or continuation

of meaningful programs for Indian citizens of Mobile County; to provide aid and protection for the Indians as needs are demonstrated; to prevent undue hardships; to assist Indian communities in social and economic development; and to promote recognition of the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to Native Americans.

Section 3. It shall be the duty of the commission to study, consider, accumulate, compile, assemble and disseminate information on any aspect of Indian affairs; to investigate relief needs of Indians of Mobile County and to provide technical assistance in the preparation of plans for the alleviation of such needs; to confer with appropriate officials of local, state, and federal governments and agencies of those concerned with Indian affairs to encourage and implement coordination of applicable resources to meet the needs of Indians in Mobile County; to cooperate with and secure the assistance of the local, state and federal governments or any agencies thereof in formulating any such programs, and to coordinate such programs with any program regarding Indian affairs adopted or planned by the federal government to the end that the commission may secure the full benefit of such programs, provided, however, that such commission is hereby authorized to directly seek and receive from the federal government any grants, funds or other benefits which may be available for Indians; to review all proposed or pending legislation, and amendments to existing state legislation affecting Indians in Alabama; to conduct public hearings on matters relating to Indian affairs and to subpoena any information or documents deemed necessary by the commission; to study the existing status of recognition of all Indian groups, tribes, and communities presently existing in the state of Alabama, and to establish appropriate procedures to provide for legal recognition by the state, and to initiate procedures for their recognition by the federal government; to employ and fix the compensation of an executive director of the commission and such supporting staff as may be required to carry out the responsibility of the commission; to expend funds in compliance with state regulations; to make legislative recommendations; and, to make and publish reports of findings and recommendations.

Section 4. (a) The commission shall be composed of seven members, five of whom shall be Choctaw Indians residing in Mobile County. The two additional members may or may not be Choctaw Indians but such members must be residents of said county. All members of the commission shall be elected by the Choctaw Indians of Mobile County and shall serve four-year terms of office.

(b) All members of said commission shall hold their offices until their successors are nominated and qualified. Any vacancy occurring on the commission shall be filled with temporary appointment by the Mobile County Commission until the vacant seat on said commission is filled. The Mobile County Commission shall appoint a chairman of the commission from among the members of the commission, subject to ratification by the full commission. The commission shall elect its own secretary.

Section 5. The commission may, subject to county or other funds that would accrue to the commission, employ an executive director, and also subject to county or other funds that would accrue to the commission, may hire additional staff and consultants to assist in the discharge of members' responsibilities, as determined by the commission. The executive director shall not be a member of the commission, and shall be of Indian extraction.

Section 6. (a) The commission shall meet quarterly, and at any other such time that it shall deem necessary. Meetings may be called by the chairman or by a petition signed by a majority of the members of the commission. Ten days notice shall be given in writing prior to the meeting date.

(b) Five members of the commission must be present to constitute a quorum.

(c) Proxy vote shall not be permitted.

Section 7. The commission shall prepare a written annual report giving an account of its proceedings, transactions, findings and recommendation. This report shall be submitted to the Mobile County Commission, and the secretary of the Mohaw Band of the Choctaw Indians of Mobile County. The report will become a matter of public record and will be maintained in the State Department of Archives and History. It may also be furnished to such other persons or agencies as the commission may deem proper.

Section 8. (a) Fiscal records shall be kept by the executive director or his designee, if applicable, otherwise by the commission chairman and will be subject to annual audit by the State Examiner of Public Accounts. The audit report will become a part of the annual report and will be submitted in accordance with the regulations governing preparation and submission of the annual report.

(b) Commission members or employees of the commission who are responsible for receiving and disbursing commission funds shall be bonded in an amount satisfactory to the commission, but not less than \$50,000.00

Section 9. The provisions of this act are severable. If any part of this act is declared invalid, or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:30 A.M.

Act No. 79-344

H. 690—Sandusky

AN ACT

To authorize the Mobile County Commission to grant a county salary supplement to the Circuit Clerk of the 13th Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The Mobile County Commission is authorized and empowered to grant to the Circuit Clerk of the 13th Judicial Circuit a salary supplement in the amount of up to \$500 per month. Any salary supplement granted under authority of this act shall be approved by a resolution of the county commission passed at a regular meeting of the commission.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:30 A.M.

Act No. 79-345

H. 691—Sandusky

AN ACT

To amend and revise Act No. 87, # 270 Regular Session 1955, an Act relating to Mobile County and regulating the office of the Judge of Probate of said County, (Acts 1955, Vol 1, page 335,) as last amended by an Act approved May 11, 1977, (Acts 1977 Vol 1, page 605).

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 87, H. 270 Regular Session 1955, an act relating to Mobile County and regulating the office of the Judge of Probate of said County (Acts 1955, v. 1, p. 335) as last amended by an Act approved September 12, 1969, (Acts 1977, v. 1, Page 605), is hereby amended to read as follows:

Section 1. The Judge of Probate of Mobile County, may in his discretion, create and establish such administrative divisions in his office as he may determine necessary or convenient in the efficient and expeditious performance of the functions and duties in his office. He may assign functions and duties to such divisions, and may delegate to the chiefs thereof such powers as he may deem proper. The Judge may reassign functions and duties as between existing divisions. The chiefs of such divisions shall be appointed by the Judge of Probate, and shall serve at his pleasure, but shall not be related to him by blood or marriage. The salary of the chief of any such division shall not be less than eighty per cent (80%) of the minimum salary for the administrative assistant position existing in the Office of the Judge of Probate nor more than eighty per cent (80%) of the maximum salary of the administrative assistant position existing in the Office of the Judge of Probate, the amount to be fixed by the Judge of Probate, to be paid in equal installments, as the salaries of other county employees are paid. The chiefs of divisions provided for in this Act shall be in addition to any other clerks or assistants heretofore provided by law or approved and designated as such by the Mobile County Personnel Board.

Section 2. Severability

The provisions of this act are severable. If any part of this Act is declared invalid or unconstitutional such declaration shall not effect the part which remains.

Section 3. Repealer. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:30 A.M.

Relating to selling and redeeming lands for taxes in DeKalb County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to DeKalb County.

Section 2. The procedure for selling and redeeming lands for taxes in such county shall be the same as provided in Code of Alabama 1975, Title 40, Amended, except that all such duties as are required of and are performed by the Judge of Probate shall be transferred to and be performed by the Tax Collector of said County, and the Judge of Probate shall be relieved of all such duties.

Section 3. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall take effect on the first day of the month following the date of its enactment, but it shall not affect proceedings that were begun before such date.

Approved July 18, 1979

Time: 9:30 P.M.

Act No. 79-347

H. 704—Stout, Rains

AN ACT

Relating to DeKalb County; providing for the compensation of the tax assessor and tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. In DeKalb County, commencing with the next term of office, the tax assessor and the tax collector shall each be entitled to and receive a salary of \$15,000 per annum payable out of the county general fund the same as are the salaries of other county officials. The compensation provided for herein shall be in lieu of all other salary, compensation, expense allowances, or other allowances now provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:30 A.M.

Act No. 79-348

H. 754—Laird, Turnham, Ward,
Harper (O)

AN ACT

Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption of malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. In Chambers County, the county commission is hereby authorized and empowered to impose, in addition to all other taxes heretofore provided by law, a privilege or license tax upon the sale, use or consumption, distribution, storing or withdrawing from storage of any malt or brewed beverages (including beer, lager, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume). The tax shall be in an amount equal to four cents (\$.04) on each twelve (12) ounces or fractional part thereof on any malt or brewed beverage sold within the county.

Section 2. The privilege or license tax authorized by this act shall be collected by the county commission. The county commission may provide rules and regulations and administrative machinery for the enforcement and collection of the tax and may also provide reasonable compensation to sellers and distributors of malt or brewed beverages for the expenses of compliance with such rules and regulations. The governing body may employ such personnel as may be needed to collect and enforce the tax and shall fix the compensation and tenure of such personnel. The county commission shall have full discretion to provide or not provide for devices for affixing stamped impressions on lids and crowns, decals or other devices capable of being affixed to containers to be used in evidence of payment of tax.

Section 3. After the payment of all costs of collection and enforcement of this act, the net proceeds shall be distributed as follows:

- (a) Fifty percent (50%) be prorated among all city and county

boards of education for educational purposes on the basis of the previous year's net enrollment of pupils.

(b) Fifty percent (50%) be prorated among the Chambers County Commission general fund and the municipalities within the county, with each municipality receiving the amount that its population according to the latest federal census bears to the entire population of the county, and the general fund of the Chambers County Commission receiving the amount that the population of the county outside the municipalities bears to the entire population of the county according to the latest federal census. In the event of the incorporation of any new municipalities, the proration shall be based on the official population of the municipality at the time of incorporation. Any annexation shall accrue to the city annexing according to the population annexed.

Section 4. Any person, firm or corporation who violates any provision of this act or the rules and regulations provided by the county commission shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The tax authorized to be imposed by this act may be nullified at any time upon adoption of an appropriate resolution by the county commission.

Section 7. All laws or parts of laws in conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:30 P.M.

Act No. 79-349

H. 761—Shavers, Stout, Hall

AN ACT

Relating to Jackson County; to provide that the county commission may levy and collect a severance tax on coal at a rate established by such county commission; to provide that such tax shall be in addition to any state severance tax; to provide how the funds from such tax shall be expended; to provide for the collection of such

severance tax; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Jackson County Commission may levy and collect from each producer of coal in Jackson County a privilege or license tax to be known as a severance tax. The rate of said tax shall be established by said county commission, but may not exceed \$.50 per ton.

Section 2. The tax herein levied shall be in addition to any state tax heretofore or hereafter imposed on the severance of coal, but shall be the only severance tax levied by the county on coal. Fifty percent of the amount collected from such tax shall be deposited in the general fund of Jackson County to be expended for such lawful purposes as the Jackson County Commission may determine. The remaining fifty percent of the collections from such tax shall be deposited in a special fund known as the "Coal Severance Tax Road Fund." Expenditures from this Coal Severance Tax Road Fund shall be made for the purpose of repairs, maintenance and construction of roads and bridges in Jackson County with preference to be given, when possible, to roads and bridges which have been damaged by coal hauling and mining activities but with the Jackson County Commission to have sole discretion in determining and designating upon which roads and bridges such sums shall be expended. The Jackson County Commission shall have authority to expend from said fund for such purposes by paying directly to the Alabama State Highway Department or such other agency as might be in lawful charge and control of the road and bridge system in Jackson County or the Jackson County Commission may deal with independent contractors.

Section 3. The Jackson County Commission shall require each producer of coal in such county to file with said commission a surety bond approved by said commission guaranteeing payment of the severance tax levied in accordance with this Act.

Section 4. The State Department of Revenue shall collect the severance tax levied by this Act in addition to the severance tax levied by Chapter 13 of Title 40 of the Code of Alabama 1975, as amended. The State Department of Revenue is hereby further authorized to recover all costs of collecting such severance taxes from the proceeds of such taxes collected and said Department is hereby authorized to promulgate such rules and regulations as are necessary to facilitate the collection of said severance taxes in any county levying the tax pursuant to this Act.

Section 5. The provisions of this Act shall be administered and the tax levied in accordance with this Act shall be subject to and collected in accordance with all applicable definitions, exceptions, exemptions, proceedings, requirements, provisions, penalties, fines, punishments, and deductions as are provided in the provisions of Chapter 13 of Title 40 of the Code of Alabama 1975, as amended, except where inapplicable or where herein otherwise provided. Assessments for the tax levied in accordance with this Act shall be made in accordance with the applicable provisions of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended.

Section 6. All laws, general, local or special or parts of such laws, in conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:30 A.M.

Act No. 79-350

H. 762—Shavers, Stout, Hall

AN ACT

Relating to Jackson County; to authorize the coroner to appoint a deputy coroner, and to provide for the compensation of such deputy coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of Jackson County is hereby authorized and empowered to appoint a deputy coroner who shall have authority to exercise all the functions pertaining to the office of the coroner and who shall serve at the pleasure of the coroner.

Section 2. The compensation of the deputy coroner shall be determined by the county commission and shall be payable in the manner prescribed by the county commission from the general fund of the county.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:30 P.M.

Act No. 79-351

S. 181—Denton

AN ACT

Relating to Lauderdale County; to provide the fee which may be charged by the Judge of Probate for celebrating the rites of matrimony and authorizing him to retain such fee for his personal use.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of Lauderdale County, is hereby authorized to charge a \$5.00 fee for celebrating the rites of matrimony and may retain said fee for his personal use. This fee is in addition to any salary provided by law.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:30 P.M.

Act No. 79-352

S. 182—Denton

AN ACT

Relating to Lauderdale County; providing for an additional expense allowance for county commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. Each county commissioner of Lauderdale County shall receive a further and additional expense allowance of \$150.00 per month which shall be paid in addition to any and all other expense allowances and compensation provided by law.

Section 2. The provisions of this act shall become effective on the first day of the month next succeeding the date when this bill shall become law.

Approved July 18, 1979

Time: 9:30 P.M.

Act No. 79-353

S. 183—Denton

AN ACT

Relating to Lauderdale County; to provide further compensation and expense allowance for certain county officials.

Be It Enacted by the Legislature of Alabama:

Section 1. The following county officials of Lauderdale County shall have the indicated salary and the indicated monthly expense allowance, viz:

	ANNUAL SALARY	MONTHLY EXPENSE ALLOWANCE
Probate Judge	\$23,000	\$100.00
Tax Assessor	20,000	150.00
Tax Collector	20,000	100.00

Section 2. The provisions of this act shall supersede any and all other provisions in regard to the annual salary and monthly expense allowance of the above enumerated employees. Provided, however, that the provisions of this act shall not repeal such other acts and in the event that any of the provisions of this act should be declared unconstitutional or void, such compensation and expense allowance as are presently provided for by law shall continue to be paid.

Section 3. The provisions of this act are severable. If any part of this act are declared invalid or unconstitutional such declaration shall not affect the part which remains.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-354

S. 475—Keener

AN ACT

Relating to Etowah County; to further provide for the preparation of the lists of qualified electors which the judge of probate is required to furnish the election inspectors; and to provide for the expenses of the judge of probate for preparation of such lists.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Etowah County shall complete and properly prepare the lists of qualified electors

required to be furnished to the election inspectors. For such service, the judge of probate shall be paid an amount equal to the amount obtained by multiplying the number of names on said lists by an amount not to exceed five cents (\$.05) each. The judge of probate shall from the proceeds of this allowance pay the costs and expenses of preparing said lists. The expenses due under the provisions of this act shall be paid by the county commission by warrants drawn on the county treasury upon certificate of the probate judge.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The payments provided by this act are in lieu of any payments authorized by Section 17-4-25 of the Code of Alabama 1975.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-355 H.J.R. 262—Riddick, Hall, Albright,
Smith (M)

HOUSE JOINT RESOLUTION

COMMENDING THE MEMBERS OF THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

WHEREAS, pursuant to Act No. 79-55, House Joint Resolution 6 of the 1979 First Special Session of the Alabama Legislature, a salary commission was formed in Madison County for the purpose of conducting an in-depth study and evaluation of the salary structure of the elected officials in said county; and

WHEREAS, those members of the salary commission who gave unselfishly of their time, talents and knowledgeability are Chairman James Sturdivant and members Hundley Batts, James Brewer, Larry Childers, Tracy Campbell, Kitty Denny, Bill Daniels, Charles Kaylor and Randall Mullins; and

WHEREAS, following completion of the study, the committee's in-depth evaluation of the Madison County elected officials salary structure provided invaluable information, from

independent and expert sources, to the Legislature and to the Madison County Legislative Delegation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in praise and appreciation of their diligence and outstanding public service, we hereby most highly commend all members of the Madison County Elected Officials Salary Commission.

BE IT FURTHER RESOLVED, That each of the above-named involved citizens of Madison County receive a copy of this resolution that they may know of our gratitude and of our praise for the outstanding result of their labors.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-356 H.J.R. 267—Zoghby, Kennedy (Y), Ward,
Smith (M), Smith (J),
Kennedy (C), Bedsole, Parker,
Bennett, McMillan, Amari

HOUSE JOINT RESOLUTION

REQUESTING RESEARCH AND ANALYSIS, BY THE
ALABAMA LAW INSTITUTE, OF THE PROBLEM OF
FAMILY ABUSE AND VIOLENCE IN THE STATE OF
ALABAMA.

WHEREAS, there is convincing evidence of serious increases of traumatic, often tragic, incidences of violence and abuse in families of our nation, including some within the borders of our state; and

WHEREAS, the causes of and remedies for physical and mental abuse of children, spouses, and older dependent adults are complex and often difficult to identify or eliminate; and

WHEREAS, it is the responsibility of the State to provide, through appropriate statutes and public agencies, for the protection of its citizenry, whether children or adults, from physical and emotional violence, whether inflicted from within the family or without; and

WHEREAS, it is the desire of this legislature to review the adequacy of present statutes concerning family violence and abuse; and

WHEREAS, the Alabama Law Institute is the official advisory law revision and law reform agency of the State of Alabama and functions as the legal research service for the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Law Institute is hereby requested to conduct research and analysis of the problem of family abuse and violence in the State of Alabama, the adequacy of all statutes and public services related thereto, including court procedures and jurisdictions, statutory relations between official state agencies and volunteer community services, and any other appropriate resources.

BE IT FURTHER RESOLVED, That the Alabama Law Institute report the results of this research and analysis, together with any proposed legislation, within two weeks after the convening of the next regular session of the Alabama Legislature.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-357

S. 114—Goodwin

AN ACT

To provide for appointment and designation of supernumerary sheriffs of the several counties within this state; to prescribe qualifications for the participants in such commission as supernumerary sheriff; to prescribe regulations and procedures for participation in such commission as supernumerary sheriff and to repeal conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Any sheriff on or after the effective date of this act of any county of this state may elect to participate in the supernumerary sheriff's program provided by this act. Any sheriff on or after the effective date of this act of any county of this state:

(a) who has had twelve (12) years of service credit as a law enforcement officer, four (4) of which have been as a sheriff and who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians; or

(b) who has had sixteen (16) years of service credit as a law enforcement officer, twelve (12) of which have been as a sheriff, and who has reached the age of fifty-five (55) years, may elect to become

a supernumerary sheriff of the county by filing a written declaration to that effect with the Governor not more than 90 days prior to the end of the sixteen year period or reaching age of fifty-five years, both having been fulfilled, or at any time thereafter. If the Governor shall find that any such declarant is qualified under either subdivision (a) or (b), hereinabove set forth, he shall then issue such declarant a commission as supernumerary sheriff. The office of sheriff made vacant by the election of such declarant shall be filled by appointment of the Governor as now provided by law. This section shall apply only to sheriffs who have been elected to that office.

Section 2. The governing body of each county shall begin deducting, upon the effective date of this act and each month thereafter, from the salaries of such sheriffs an amount equal to six percent (6%) of the monthly salary paid such sheriff. Such sum shall be deducted monthly and paid into the general fund of the county. If any sheriff, subject to the provisions of this act, shall end his tenure of office prior to having reached age of fifty-five years, but having had sixteen years of service as a law enforcement officer, twelve of which have been as sheriff, his supernumerary allowance as set out in Section Three (3) of this act, shall be vested and held in the general fund of the county until he attains age fifty-five at which time, or any time thereafter, he may elect to become a supernumerary sheriff as set out in Section One (1) of this act. If any sheriff, subject to the provisions of this act, shall end his tenure of office prior to having had sixteen years of service as a law enforcement officer, twelve of which was served as sheriff, as provided herein, an amount equal to the total paid by him into the general fund of the county under the provisions of this section shall be repaid to him. In the event a sheriff should die in office prior to his eligibility or his election to be commissioned a supernumerary sheriff, then, in that event, the total amount paid by him to the general fund of the county hereunder shall be paid to his named beneficiary. In the event of the death of any supernumerary sheriff in whose favor a monthly retirement allowance is accruing, his spouse shall be entitled to a monthly allowance equal to fifty per centum (50%) of the retirement allowance the supernumerary sheriff was receiving when he died, as hereinafter specified for a period of up to 15 years. No spouse shall receive any benefits under this act unless such spouse was married to the deceased supernumerary sheriff at the time of his death and any benefits of a spouse under this act shall terminate in the event the spouse remarries. This Section Two (2) shall not apply in any county in which the sheriff of said county is eligible to become entitled to any other state or county retirement act, which he may elect to come under.

Section 3. Those persons eligible under either Sections 1 (a) or 1 (b) of this act, who have sixteen (16) years of creditable service as a law enforcement officer, twelve of which were served as sheriff, shall be entitled to receive an amount equal to fifty percent (50%) to the monthly salary paid such person at the time of the completion of his service in office, and shall be entitled to receive an additional amount equal to two percent (2%) of such person's said monthly salary for each additional year of service up to a maximum of sixty-five percent of such monthly salary, but in no event shall any person receive payments pursuant to both the supernumerary and disability supernumerary provisions simultaneously. All such payments shall be paid from the general fund of the county in which said eligible person is serving upon his election to become a supernumerary sheriff or to become a supernumerary sheriff due to a disability.

Section 4. Any sheriff serving on the effective date of this act of any county of this state who elects to participate in the supernumerary sheriff's program shall receive service for supernumerary status for any time served as sheriff after the effective date of this act. Any sheriff in order to receive service credit for prior service as a sheriff or law enforcement officer shall pay into the county general fund an amount equal to the total contribution he would have made as a sheriff based on six percent (6%) of his current salary as sheriff for a period not to exceed five year or the time of prior service as sheriff whichever is lesser. Any prior service credit must be purchased within one year of the effective date of this act. No sheriff shall be eligible to go on supernumerary status with less than five years of creditable service including prior service credit purchased as provided above.

Section 5. If any sheriff is eligible for retirement benefits under any other county, state or municipal retirement plan or act, then, in that event, he shall elect the plan or act in which he desires to participate and shall so notify the proper authority within sixty days after he becomes eligible for any payments under this act. It is further provided, however, that such election shall not affect such person's entitlement to benefits under the provisions of Act No. 999, H. 288, 1969 Regular Session (Acts 1969, p. 1815).

Section 6. Each supernumerary sheriff shall take the oath of office prescribed for sheriffs and shall be subject to call by the governor in the event of a vacancy in the office of the sheriff.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. The provisions of this act are severable. If any part

of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1979

Time: 2:45 P.M.

Act No. 79-358

H. 46—Cheatwood

AN ACT

To repeal Act No. 786, H. 60, 1975 Regular Session (Acts of Alabama 1975, p. 1572), entitled, "An Act Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 786, H. 60, 1975 Regular Session (Acts of Alabama 1975, p. 1572), entitled, "An Act Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act," is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-359

H. 238—Johnson (Roy)

AN ACT

Relating to Tuscaloosa County; to provide for the imposing, levying and collecting of an additional tax of four percent on the charge for lodging, room and personal property rental, services and accommodations furnished to transient

occupants for a consideration by any hotel, motel, inn, tourist camp or tourist cabin in Tuscaloosa County; and to prescribe penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied and imposed in Tuscaloosa County, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm or corporation engaging in the business of renting or furnishing any room or rooms, lodging or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of four percent of the charge for such room, rooms, lodgings or accommodations, including the charge for use or rental of personal property and services furnished in such rooms; provided that there is exempted from the tax levied under the provisions of this Act any rentals or services taxed under the provisions of Sections 40-23-1 to 40-23-38 of the Code of Alabama 1975, as heretofore or hereafter amended from time to time. The tax shall not apply to rooms, lodgings or accommodations supplied for a period of 30 continuous days or more in any place.

Section 2. State and municipal privilege taxes which are levied and collected by the application of a flat percentage rate on gross sales or gross receipts from sales, and which are passed on directly by the licensee-seller to the purchaser-consumer or user shall be excluded from gross sales or gross receipts, as the case may be, in the computation of the county lodgings tax levied and imposed by this Act. The taxes levied and collected under Sections 40-26-1 through 40-26-21 of the Code of Alabama 1975, shall also be excluded in the computation of the county lodgings tax levied and imposed by this Act.

Section 3. The taxes levied under the provisions of this Act, except as otherwise provided, shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues. On or before the twentieth day of each month after this Act has taken effect, every person, firm or corporation on whom the taxes levied by this Act are imposed shall render to the department of revenue, hereinafter referred to as the department, on a form prescribed by the department, a true and correct statement showing the gross proceeds of the business for the next preceding month, together with such other information as the department may demand and require, and at the time of making such monthly report the taxpayer shall compute the taxes due and shall pay to the

department the amount of taxes shown to be due. The department, for good cause, may extend the time for making any return required under the provisions of this Act, but the time for filing any such return shall not be extended for a period greater than 30 days from the date such return is due to be made.

Section 4. Any person, firm or corporation taxable under this Act having a cash and credit business may report such cash business and the taxpayer shall thereafter include in each monthly report all credit collections made during the month preceding and shall pay the taxes due thereon at the time of filing such report, but in no event shall the gross proceeds of such credit business be included in the measure of the tax to be paid until collections of such credit business shall have been made.

Section 5. On or before 30 days after the end of the tax year, each person, firm or corporation liable for the payment of a privilege tax as levied by this Act shall make a return showing the gross proceeds of business done and compute the amount of tax chargeable against him or it in accordance with the provisions of this Act and deduct the amount of monthly payments as hereinbefore provided, if any have been made, and transmit with this report a remittance in the form required by this Act covering the residue of the tax chargeable against him, to the office of the department, and such report shall be verified by oath.

Section 6. It shall be the duty of every person, firm or corporation engaging, or continuing in Tuscaloosa County in any business taxed hereunder to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he or it is liable under the provisions of this Act. Such records shall be kept and preserved for a period of two years and shall be open for examination at any time by the department, or its duly authorized agent.

Section 7. The monthly reports herein required to be made are not required to be made on oath, but wherever in this Act any report is required to be sworn to, the same shall be sworn to by the taxpayer or his agent before some officer authorized to administer oaths; and any false statement of a material fact made with intent to defraud shall constitute perjury, and upon conviction thereof the person so convicted shall be punishable as provided by law.

Section 8. Any person, firm or corporation subject to the provisions of this Act who fails to make the reports or any of them as herein required, or who fails to keep the records as herein required, shall be guilty of a misdemeanor and upon conviction shall be fined

not less than \$25.00 nor more than \$500.00 for each offense. Each month of such failure shall constitute a separate offense.

Section 9. Any person, firm or corporation subject to the provisions of this Act willfully refusing to make the reports herein required, or who shall refuse to permit the examination of his or its records by the department of revenue, or its duly authorized agents, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$50.00 nor more than \$500.00 for each offense, and in addition may be imprisoned in the county jail for a period not to exceed six months. Each month of failure to make such report shall constitute a separate offense and each refusal of a written demand of the department to examine, inspect or audit such records shall constitute a separate offense.

Section 10. Any person, firm or corporation who fails to pay the tax herein levied within the time required by this Act shall pay, in addition to the tax, a penalty of 10 percent of the amount of tax due, together with interest thereon at the rate of one half of one percent per month, or fraction thereof, from the date at which the tax herein levied became due and payable, such penalty and interest to be assessed and collected as a part of the tax; provided, that the department, if a good and sufficient reason is shown, may waive or remit the penalty or any portion thereof.

Section 11. If any taxpayer fails to make the returns herein required, the department shall issue written notice by certified or registered mail, to the taxpayer to make such returns forthwith, and if the taxpayer fails or refuses to make such return, or returns, within 30 days from the date of this notice, then the department shall make such return for the delinquent taxpayer upon such information as it may obtain, and shall assess the taxes due thereon, and shall add a penalty for failure to make such return and payment of 25 percent of the tax due, as assessed by the department, and interest at the rate of one half of one percent per month, or fraction thereof, from the date such taxes were due; provided, that the department, if a good and sufficient reason is shown for such delinquency, may waive or remit the penalty or any portion thereof.

Section 12. Whenever the department in examining and auditing the records of any taxpayer or from other information shall ascertain that the amount, or amounts, previously paid by any taxpayer for any period or periods is incorrect, the department shall compute the correct amount of tax due, and if it appears that the amount paid by the taxpayer is in excess of the correct amount due, such excess shall be refunded to the taxpayer in accordance with law, under the rules and regulations of the department. If it

appears that the amount paid by such taxpayer is less than the amount due, the department shall notify the taxpayer, and shall demand payment therefor. If the amount demanded is not paid within 10 days from the date of such demand, or if the taxpayer does not request an extension of time within 10 days from the date of such demand, the department shall make an assessment against the taxpayer of the amount due and shall add a penalty of one half of one percent per month from the date such taxes or any part thereof became due; provided, that the department, if a good and sufficient reason is shown, may waive or remit the penalty or any portion thereof. If within 10 days from the date of notice of a deficiency the taxpayer requests in writing an extension of time, the department shall grant an extension of 30 days. If at the end of such extended period the deficiency has not been paid, the department shall proceed with the assessment. If the department be of the opinion that there was a willful or fraudulent intent by the taxpayer to evade the tax due it may assess a penalty of 25 percent of the tax. Upon such appeal, such action shall be reviewable.

Section 13. Notice of the assessment of the tax hereby levied and an opportunity for a hearing thereon shall be given in the same manner that notice of the assessment of sales tax is given and hearings thereon are provided, and appeals from the assessments then made may be taken in the same manner that appeals from sales tax assessments are taken.

Section 14. The tax hereby levied together with interest and penalties imposed by this Act shall be a lien on the property of any person, firm or corporation subject to the provisions of this Act, and the provisions of the revenue laws of the state of Alabama applying to liens for the collection of license taxes shall apply to the taxes herein levied for the benefit of Tuscaloosa County as a subdivision of the State of Alabama.

Section 15. If any final assessment of taxes is not paid within 30 days after such assessment becomes final, if no appeal has been taken in cases where an appeal is authorized, the department shall issue an execution therefor, directed to any sheriff of the state of Alabama, commanding him to levy upon and sell the real and personal property of the person against whom such execution is directed in the same manner that levy and sale of property is done in connection with the collection of sales tax.

Section 16. It shall be unlawful for any person, firm or corporation engaged in or continuing within Tuscaloosa County in any business for which a license or privilege tax is required by this Act to fail or refuse to add to the price of the service rendered the

amount due by the taxpayer on account of the tax levied by this Act. Nor shall any person refund or offer to refund all or any part of the amount collected as tax under this Act or to absorb such tax or to advertise directly or indirectly the absorption or refund of such tax or any portion of the same. Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than \$50.00 nor more than \$100.00, or may be imprisoned in the county jail for not more than six months, or by both such fine and imprisonment, and each act or violation of the provisions of this Act shall constitute a separate offense.

Section 17. Any taxpayer who shall violate any of the provisions of this Act may be restrained from continuing in business, and the proper prosecution shall be instituted in the name of the state of Alabama by its attorney general, by the counsel of the department or under their direction by any district attorney of the state until such person shall have complied with the provisions of this Act.

Section 18. The administration of this Act is vested in and shall be exercised by the department of revenue, except as otherwise herein provided, and the enforcement of any of the provisions of this Act in any of the courts of the state shall be under the jurisdiction and supervision of the department, and the department may require the assistance of, and act through the district attorney of any county and the attorney general of the state and any legal counsel of the department of revenue. The department shall appoint as needed such additional agents, clerks and stenographers as may be necessary to enforce the provisions of this Act under the provisions of the merit system who shall perform such duties as may be required, and such duly appointed and qualified agents are authorized to act for the department as it may direct and as is authorized by law.

Section 19. The department shall from time to time promulgate such rules and regulations for making returns and for ascertainment, assessment and collection of the tax imposed hereunder as it may deem necessary to enforce the provisions of this Act, and upon request shall furnish to the taxpayer a copy of such rules and regulations.

Section 20. The governor may, by executive order, authorize the state department of revenue to provide by proper rules and regulations for the allowance of a discount of taxes due and payable to the state for Tuscaloosa County by persons subject to the lodgings tax levied by this Act, in the same manner and to the same extent as

the discount allowed persons licensed under the provisions of Sections 40-23-1 through 40-23-38 of the Code of Alabama 1975, as heretofore or hereafter amended from time to time. The discount provided for herein shall not exceed five percent of the first \$100.00 of taxed levied and two percent of the taxes levied over \$100.00 and due and payable to said county by persons subject to this Act. It is provided, however, that the discount provided for herein shall be authorized or allowed only upon taxes which are paid before delinquency.

Section 21. The taxes received and collected under the provisions of this Act shall be collected by the department of revenue of the State of Alabama and remitted without delay monthly to the County of Tuscaloosa. The department of revenue shall deduct and retain five percent of the amount collected in order to cover the expenses of collecting said taxes.

Section 22. Of those revenues provided by the additional four percent tax, two percent shall be placed in the General Fund of the Tuscaloosa County Commission and shall be used solely for the promotion of tourism in Tuscaloosa County. The remaining two percent of the additional four percent tax shall be earmarked for the Tuscaloosa County Park and Recreation Authority. These funds shall be used for capital outlay and the development of recreational facilities in Tuscaloosa County. The Tuscaloosa County Park and Recreation Authority Board shall have the authority under the provisions of this act to borrow money or sell bonds and pledge the proceeds derived from this additional tax as collateral for such credit or bonds.

Section 23. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 24. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 25. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law and its approval by the electorate of Tuscaloosa County in an election to be held at a time to be fixed by the Probate Judge of Tuscaloosa County.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-360

H. 531—Sandusky, Harper (T),
Stewart, Turner

AN ACT

Relating to Mobile County; to amend further Section 1 of Act No. 111, H. 419, Regular Session 1955 (Acts 1955, p. 356), which relates to the salary of the tax collector, so as to provide further for such salary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 111, H. 419, Regular Session 1955 (Acts 1955, p. 356), is amended further to read as follows:

“Section 1. The tax collector of Mobile County shall be compensated on a salary basis. He shall be paid a salary of twenty-seven thousand dollars (\$27,000) per annum. Such salary shall be paid in twelve equal monthly installments in the manner and at the same time as salaries are paid to employees of that office.”

Section 2. This act shall take effect at the commencement of the term of office of the tax collector of Mobile County which begins next after the passage and approval of this act.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-361

H. 532—Sandusky, Harper (T),
Stewart, Turner

AN ACT

Relating to Mobile County; to amend Section 1 of Act No. 767, H. 411, Regular Session 1973 (Acts 1973, p. 1175), which relates to the salary of the tax assessor, so as to provide further for such salary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 767, H. 411, Regular Session 1973 (Acts 1973, p. 1175), is hereby amended to read as follows:

“Section 1. The tax assessor of Mobile County shall be compensated on a salary basis. He shall be paid a salary of twenty-seven thousand dollars (\$27,000) per annum. Such salary shall be paid in the same manner and at the same time as salaries are paid to employees of that office.”

Section 2. This act shall take effect at the commencement of the term of office of the tax assessor of Mobile County which begins next after the passage and approval of this act.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-362

H. 741—Kennedy (C), Kennedy (Y), Buskey

AN ACT

To direct the cancellation of promissory notes held by the Board of School Commissioners of Mobile County, Alabama executed by the S. D. Bishop Junior College in consideration of a transfer of land.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of School Commissioners of Mobile County, Alabama is hereby directed to cancel all promissory notes executed in favor of said board by the S. D. Bishop State Junior College in consideration of a transfer of land by deed executed and attested by said board as grantor on December 5, 1975. The Board of School Commissioners of Mobile County, Alabama is hereby further directed to cancel and forgive any other debt owed to it which was incurred by the S. D. Bishop Junior College incidentally to said land transfer.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-363

H. 155—Waggoner

AN ACT

To change the compensation of the probate judge of Shelby County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Shelby County, Alabama, shall receive as compensation a salary of twenty-six thousand dollars (\$26,000.00) per annum, which shall be payable in equal monthly installments by proper warrant drawn on the general fund of the county.

Section 2. Any expense allowance allowed by law to be paid to said officer herein named prior to the passage of this act shall

continue to be paid said officer.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-364

H. 212—Smith (C), Owens

AN ACT

To correct a discrepancy in the boundary line of Chilton and Bibb Counties in the procedure provided by Section 39 of the Alabama Constitution.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary line between Chilton and Bibb Counties shall be as follows:

Commencing at the northwest corner of Township 21 north, Range 11 east, thence east along the township line between township 21 north and township 22 north to the southeast corner of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 33, Township 22 north, range 12 east; thence north along the east line of the west $\frac{1}{2}$ of the west $\frac{1}{2}$ of sections 33, 28, 21, 16, 9 and 4, township 22 north, range 12 east; sections 33, 28, 21, 16, 9 and 4, township 23 north, range 12 east; sections 33, 28, and 21 to the northeast corner of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of said section 21, township 24 north, range 12 east; thence west along the north line of the south $\frac{1}{2}$ of said section 21 to the southwest corner of the northwest $\frac{1}{4}$ of said section 21.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-365

H. 399—Roberts, Carter

AN ACT

Relating to the eighth judicial circuit consisting of Morgan County; to amend Section 4 of Act No. 377, S. 182 of the Regular Session 1978 (Acts 1978, p. 332) which act creates a thirty-ninth judicial circuit and which section provides for the designation of existing judgeships in the eighth judicial circuit and provides for the naming of the presiding judge of such circuit, so as to provide further for the selection process of the presiding judge of the eighth judicial circuit as prescribed by the Alabama Rules of Judicial Administration.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 377, S. 182, 1978 Regular Session (Acts 1978, p. 332), is hereby amended to read as follows:

"Section 4. The existing judgeships in the eighth judicial circuit are hereby designated 'Judgeship, Place No. 1,' 'Judgeship, Place No. 2' and 'Judgeship, Place No. 3.' Candidates for the office of circuit judge in the eighth judicial circuit shall designate in their qualifying documents for nomination and election the number of the judgeship for which they are candidates. The presiding circuit judge of the eighth judicial circuit shall be selected as is provided in the Alabama Rules of Judicial Administration."

Section 2. This act shall become effective January 17, 1983.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-366

H. 619—Harrison

AN ACT

To amend further Act No. 929, S. 676, Regular Session 1951 (Acts 1951, p. 1579), as extensively amended by Act No. 1272, S. 620, Regular Session 1973 (Acts 1973, p. 2124), and other amendatory acts, which relate to the establishment of a pension and relief or retirement and relief system for officers, employees, or their dependents, of any city having a population of 250,000 according to the 1970 or any subsequent federal decennial census, so as to provide further for the definitions of "full time employee" and "qualified employee" and to provide further for new participants' credit for certain prior service.

Be It Enacted by the Legislature of Alabama:

Section 1. Article II, Section 1, and Article V, Section 4 of Act No. 929, S. 676, Regular Session 1951, as extensively amended by Act No. 1272, S. 620, Regular Session 1973 (Acts 1973, p. 2124) and other amendatory acts, are hereby amended to read as follows:

"Article II. Section 1. DEFINITIONS.

"The following words, terms and phrases, wherever used in this Act, including this section, shall have the meanings respectively ascribed to them in this section, unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended:

" 'The City.' This term shall mean and have reference to each such city, separately, as may have a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census.

" 'The Board of Health.' The county board of health whose territorial jurisdiction includes the territory of the city.

" 'The system.' The system provided by and comprised within the articles and sections of this Act, and such system shall be the system applicable in and for each such city, individually, as may have a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census.

" 'Date of establishment.' Date of establishment of the system for a city. The date of establishment of the system for each city which has a population of two hundred and fifty thousand or more inhabitants according to the federal census next preceding the passage of this Act shall be deemed September 1, 1937. The date of establishment of the system for each such city as does not have a population of two hundred and fifty thousand or more inhabitants according to the federal census next preceding the passage of this Act, but which may have such a population according to any federal census succeeding the passage of this Act, shall be deemed the date upon which such city first reaches such population according to such succeeding federal census.

" 'The fund.' The retirement and relief fund provided for as a part of the system, and shall include assets in the form of money and in other forms.

" 'Employer. The City.

" 'Employee.' A person between whom and the city there exists the technical relationship of employer and employee, whether such person be employed through the principal governing body of the city or through a subsidiary body such as a park board.

" 'Qualified Employee.' Any person who on or after the date of establishment is employed by the City as a full time employee in a job other than as

"a) an officer elected by the people;

“b) a common laborer;

“c) a member of the library, museum, park, zoning adjustment boards or similar boards with active duty on an intermittent basis (i.e., not regularly upon successive business days).

“‘Fire and Police Employee.’ Any person who, on or after the effective date of this Plan, is employed by the City as a full time fireman or policeman.

“‘Full Time Employee.’ A salaried employee who is normally scheduled to work sixteen (16) days per month or more, except any employee in any of the following classes of employees who shall be considered a temporary employee rather than a full time employee for the purposes of this Act:

“(1) Part time employees who are normally scheduled to work less than a full time employee;

“(2) employees employed to work full time but only for a definite period of time not exceeding twelve months;

“(3) employees whose work is seasonal in nature and who are employed for a period not exceeding four months;

“(4) employees who are students of public administration or other professional areas who are employed for a definite period of time not exceeding six months of full time employment in any twelve month period;

“(5) employees who are hired because of an unforeseen condition which is likely to cause loss of life or loss or damage to property, the stoppage of service or serious inconvenience to the public, the length of employment not exceeding thirty days;

“(6) employees who during a war or nationally declared emergency are hired without examination, such employment not exceeding the duration of the war emergency plus six months;

“(7) employees in a job, whether in the classified or unclassified service, the compensation for which is subsidized in whole or part with funds provided under the Federal Comprehensive Employment and Training Act (CETA) or any federal program for temporary public employment, except any such employees who are in supervisory positions and are designated as administrative employees.

“‘Participant.’ A qualified employee who participates in the System under Article IV hereof.

“‘Employee member.’ A person who is simultaneously a

qualified employee and a participant.

“‘In the service.’ In the service of the city. A person shall be deemed in the service of the city while the technical relationship of employer and employee subsists between him and the city.

“‘In the classified service.’ In the classified service as defined in any civil service statute or rule now or hereafter applicable to the city, and for the purposes of this Act only shall include full time recorders, regularly assigned to the trial of cases.

“‘Effective Date.’ The date of establishment.

“‘Anniversary Date.’ The date of establishment and the month and day thereof annually thereafter.

“‘Fiscal Year.’ The accounting year of the System which shall run from each September 1 through August 31 next following.

“‘Past Service Credit’ or ‘Prior Service Time.’ The credit given a participant for employment with the city prior to the effective date except for such a period of time for which the employee received no pay from the city.

“‘Future Service Credit’ or ‘Paid Membership Time.’ The credit given a participant for employment with the city subsequent to the effective date for which he shall have made contributions to the fund through payroll deductions or direct payments where authorized.

“‘Basic Monthly Earnings’ and ‘Monthly Salary.’ Basic monthly compensation exclusive of overtime or other forms of extra compensation but including longevity pay which shall be regarded as having been received in equal monthly installments during each of the months prior to the accrual date for which said longevity is payable, whether paid to the member employee in monthly or other installments.

“‘Final Average Salary.’ The average of the three and one-half years of highest compensation, exclusive of overtime or other forms of extra compensation but including longevity pay, in the ten (10) years immediately preceding retirement after the effective date of this plan divided by twelve (12) months.

“‘Total Covered Payroll.’ The total of the basic annual salaries plus annualized longevity pay, but excluding overtime or other forms of extra compensation, of all participants in the system at any point in time.

“‘Payroll Period.’ A period of time for which a payment of salary is ordinarily made with respect to a qualified employee.

“ ‘Board of Managers.’ The administrative board of the system as provided in ARTICLE III hereof.

“ ‘The Board.’ The Board of Managers as herein provided.

“ ‘The City Comptroller.’ The employee of the city whose duties are those of treasurer or chief financial employee.

“ ‘The custodian.’ The custodian of the fund.

“ ‘The Personnel Director.’ The Personnel Director provided for the city by statute or, if there be no such Personnel Director, the City Clerk, the custodian, or another, as the board may determine.

“ ‘Council’ or ‘City Council.’ The governing body of the city.

“ ‘Clerk’ or ‘City Clerk.’ The City Clerk of the city.

“ ‘The County.’ The county in which the city is located and if the city is located in more than one county, then that county in which the major portion or larger part of the city is located.

“ ‘Civil Defense Agency.’ Any public organization, agency, or authority organized or existing pursuant to state law and exercising Civil Defense Functions within the city or within the city and elsewhere in the county.

“ ‘Civic Center’ or ‘Civic Center Authority.’ Any public corporation, authority or agency organized pursuant to state law for the purpose of providing, constructing, operating, and maintaining a Civic Center in the county in which the city is located or in the city.

“ ‘Retiree.’ A former participant who has been granted a retirement allowance or a disability allowance by the board.

“ ‘Credited Service’ or ‘Creditable Time.’ The credited service or creditable time of a participant or employee member shall include the following: (1) all his paid membership time; (2) all his prior service time; (3) one half of each year completed in the unclassified service of the city as a common laborer prior to becoming a participant or employee member, provided he shall have completed not less than ten consecutive years of such service. No participant or member having pension credit hereunder for unclassified service, nor his spouse or other survivor, shall be entitled to receive any allowances or pension benefits under any pension or retirement system created only for unclassified employees of the city.

“ ‘Mayor.’ The Mayor or Chief Executive Officer of the city.

“ ‘The Personnel Board.’ The Board of Control of any Civil Service System provided for the city by statute or, if at any time there be no such Board of Control, then the governing body of the city.

“Widow shall include widower, spouse shall mean either husband or wife, policeman shall include policewoman, and fireman shall include a female employed in the position of a fireman.

“Words written in the ‘singular’ shall include the ‘plural,’ words in the ‘plural’ shall include the ‘singular,’ words of the masculine gender shall include the feminine gender and words of the feminine gender shall include the masculine gender unless the context shall clearly and absolutely indicate a restrictive meaning.”

“Article 5. Section 4. NEW PARTICIPANTS - Credit for service with the county or other municipality and with the city as a temporary employee.

“In the event a qualified employee becoming a participant herein on or after September 1, 1969, shall have prior to becoming such participant been employed (1) by the county under the provisions of a merit system applicable to the county, (2) by any other municipality in the county under the provisions of the merit system applicable to such municipality, or (3) by the city under the provisions of the merit system applicable to the city as a temporary employee, he may receive credit for said prior service by paying to the city comptroller within sixty (60) days after becoming a participant an amount to be determined as follows:

“a. There shall first be determined the salary paid said participant each month of said prior service by the city or by the county or such other municipality;

“b. There shall then be computed the contribution which would have been deducted if said participant had received such salary from the city as a participant hereunder, said contribution and deduction being determined in accordance with the provisions of this Act on the date he became a participant in the system;

“c. There shall then be determined the total of interest at the rate of six percent (6%) per annum on such deductions from the date they would have been made if said participant had received such salary as a participant to the date he actually became a participant in the system; and

“d. The total of the deductions which would have been made

plus interest at the rate of six percent (6%) per annum as both are determined in this Section 4, shall be the amount payable."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-367

H. 724—Patton

AN ACT

To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of the City of Decatur all of the following additional adjacent territory not heretofore annexed, situated in Morgan County, Alabama, to-wit:

A tract of land containing 5.531 acres, more or less, lying west of U. S. Highway 31, in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, Township 6, South, Range 4 West, more particularly described as follows: Beginning at the Southeast corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, Township 6, South, Range 4 West; thence west along the quarter section line (said quarter section line also being the North Corporate Limit line of Flint City) to its intersection with the westerly right-of-way line of said U. S. Highway 31, said point being the true point of beginning; thence continue along said quarter section line 593 feet, more or less, to a point on the half section line; thence north along the half section line 466.85 feet; thence east 441.48 feet, more or less, to the westerly right-of-way line of U. S. Highway 31; thence Southeasterly along the western

right-of-way line of U. S. Highway 31 490.66 feet, more or less, to the true point of beginning.

(Embraced within the foregoing is a parcel heretofore annexed to the City of Decatur known as the George W. Vest property, containing 1.36 acres, more or less.)

Section 2. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 9:45 A.M.

Act No. 79-368

H. 801—Campbell

AN ACT

TO AMEND SECTION 6 OF ACT NO. 608 APPROVED BY THE ALABAMA LEGISLATURE ON SEPTEMBER 4, 1951, BY INCREASING THE AMOUNT OF COMPENSATION TO THE SHERIFF'S ATTORNEY.

Be It Enacted by the Legislature of Alabama:

Section One. Section 6 of Act No. 608, approved by the Alabama Legislature on September 4, 1951, is hereby amended to read as follows:

“Section 6. The Sheriff of Calhoun County, Alabama may employ an attorney at law to advise and represent him and his assistants in their official capacities. Such attorney shall receive as compensation therefor such reasonable sum as the sheriff may fix, not exceeding \$3,000.00 a year, and the same shall be paid from County funds allocated for the payment of compensation to assistants to the Sheriff. Such attorney shall serve at the pleasure of the sheriff.”

Section Two. This act shall become effective upon the first day of the month immediately following its passage and approval by the Governor or its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-369

H. 824—Waggoner

AN ACT

Relating to Shelby County; to amend Sections 3, 4, 5, 10, 11, 13 and 15 of Act No. 62, H. 213, First Special Session 1977, (Acts 1977, p. 1483), which relates to districts for fighting or preventing fires, so as to further provide for elections concerning such districts, trustees, interim trustees, and service charges and filling vacancies on the Board of Trustees; to prescribe the powers of the district; and to exempt districts created under the act from all taxes, including license and excise taxes, levied by the state, any county, municipality or other political subdivision of the state; and to exempt such districts from payment of certain charge to judges of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3, 4, 5, 10, 11, 13 and 15 Act No. 62, H. 213, First Special Session 1977, (Acts 1977, p. 1483), are hereby amended to read as follows:

“Section 3. Any area situated entirely within the county may be established as a district for fighting fires and for emergency medical services in the manner hereinafter provided for; provided, however, no land lying within the boundaries of a municipality at the time of the election shall be included in a district.

“Section 4. Upon any petition provided for in this section 4 being filed in the office of the probate judge of the county, he shall order an election to be held in the proposed district on the question, or questions, on which the petition requests an election.

“The petition shall be signed by at least 100 persons who are qualified electors residing within the boundaries of the proposed district.

“The petition shall contain a legal description of the area which is proposed to be established as a district under the provisions of the act; and the petition shall request the probate judge to call an election on one or more of the following questions: Shall there be created for the area a district for fighting fires? Shall there be created for the area a district for emergency medical services? Shall there be created for the area a district for fighting fires and for emergency medical services?

“The petition shall state the name of the proposed district. The Board of Trustees of a district may change the name of a district by filing in the office of the probate judge a copy of a resolution changing the name thereof, which copy shall be certified by the President of the Board of Trustees.

“The petition for election on the establishment of a district may be accompanied by a petition for an election on the question of levying a proposed service charge which last named petition shall be signed by at least 100 persons who are qualified electors residing within the boundaries of the proposed district. A petition for an

election on the establishment of a district shall be deemed to be accompanied by a petition for an election on the question of levying proposed service charges, if the request for an election on the proposed district and the request for an election on the proposed service charges are combined in a single petition.

“The petition shall also name five interim trustees, who shall all be persons who are qualified electors residing within the boundaries of the proposed district, to serve as a Board of Trustees until permanent trustees can be elected in accordance with the provisions of section 10 hereof.

“Section 5 (a). When a petition for the holding of any election hereunder is filed with the probate judge, the probate judge shall order the election sought by the petition to be held on a day not less than thirty days nor more than forty calendar days from the date on which the probate judge enters said order.

“(b) The provisions of section 5 (a) shall apply to all elections provided for by this act, provided such an election is not prohibited by section 5(c) or other provisions of this act.

“(c) Elections on the question of the amount for service charges may be held pursuant to the provisions of section 13 of this act. Elections pertaining to the establishment of the same district or portion thereof or for the abolition of a district shall not be held more than once every two years. Elections for members of the Board of Trustees shall be held pursuant to the provisions of section 10 of this act.

“Section 10. The affairs and business of the district shall be managed by a Board of Trustees consisting of five members who shall be elected by the qualified electors of the district. Such election shall be held at the same time and conducted by the same election officials as regular general county elections. No person shall be elected to said Board unless he is a person who is a qualified elector residing within the boundaries of the proposed district. Nominations for candidates for designated places as members of the Board of Trustees shall be made by petition signed by not less than 25 persons who are qualified electors residing within the boundaries of the district, which petition shall designate the place number for which said candidate is being nominated. Said petition shall be filed with the probate judge not less than 40 days prior to the date set for the election. The person receiving the highest number of votes for each place shall be the successful candidate. Election shall be for a term of four years provided, however, that to stagger the terms, Place No. 1 and Place No. 2 shall be elected for a term of two years, and Places 3, 4, and 5 shall be elected for a term of

four years, in the first election held after this amendment becomes effective.

“In the event of a vacancy on the Board of Trustees, the same shall be filled by the majority vote of the remaining membership of the Board of Trustees, and such election shall be for the unexpired term of the member causing the vacancy.

“The Board of Trustees shall elect annually from its own number a President and a Secretary. The members of the Board of Trustees shall not be entitled to any compensation for their services; but they shall be entitled to reimbursement for all reasonable expenses incurred by them in the performance of their duties.

“Section 11. The district shall constitute a public corporation, which shall have the power to do any and all acts or things necessary and convenient for carrying out the purposes for which it is created including, but not limited to: To sue and be sued. To have a seal and alter the same at pleasure. To acquire, hold and dispose of property, real and personal, tangible and intangible, or interests therein and to pay therefor in cash or on credit, and to secure and procure payment of all or any part of the purchase price thereof on such terms and conditions as the board shall determine. To acquire, own operate, maintain and improve a system or systems. To pledge all or any part of its revenues, or mortgages, or otherwise encumber, all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations. To sell, lease, mortgage or otherwise encumber or dispose of all or any of its property, as hereinafter provided. To contract debts, borrow money and to issue or assume the payment of obligations. To levy and collect service charges, as herein provided in this act, subject to limitations prescribed in said act. To negotiate and enter into contracts with residents of areas outside the district or with other districts to furnish fire and/or emergency medical protection and to charge fees for such service. To employ agents, servants, and attorneys. To perform any and all of the foregoing acts and to do any and all of the foregoing things under, through or by means of its own officers, agents, and employees, or by contracts with any person, federal agency or municipality.

“The property and income of the district, all bonds issued by the district, the income from such bonds, conveyances by or to the district, and leases, mortgages and deeds of trust by or to the district shall be exempt from all taxation in the State of Alabama. The district shall be exempt from all taxes levied by any county, municipality, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in

respect of the privilege of engaging in any of the activities that a district may engage in. The district shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document. The provisions of this paragraph of section 11 shall be retroactive and shall apply from the date the district was first established.

“Section 13. No service charge shall be levied unless the same has been first approved by a majority of the votes cast at an election held hereunder by the qualified electors residing within the district, or within the proposed district.

“An election on the question of levying service charges in a proposed district may be held at the same time that the election is held on the creation of the district, provided that the petition for the election on the question of the service charges accompanies the petition for the election on the establishment of the proposed district as is provided for in section 4 above. An election on the question of service charges, other than an election coincident to the creation of the district, may be held upon the Board of Trustees of a district submitting to the probate judge a petition for such election as herein provided. The Board of Trustees shall file in the office of the probate judge a petition to call an election in the district on the question of whether the service charges proposed by the Trustees shall be levied. This petition shall state specifically the charges proposed to be levied. The petition may request that an election be held on one or more than one proposed charge classification. Additionally, a petition submitted by the Trustees shall contain a report that will indicate the nature and extent of fire and/or emergency medical service that is proposed to be supported by all service charges that will be in effect if the petition is approved by the electors; and a certification by the Trustees that the service charges proposed, together with service charges otherwise in effect, will also provide for the interest and maturities on all outstanding debt of the district. Upon the petition being filed with the probate judge, he shall order an election to be held within the time provided for by section 5(a) above. Notice of such election shall be given as provided for in section 7 of the act.

“Section 15. Any district created hereunder may be abolished in the manner provided for in this section 15; provided, however, that no district shall be abolished nor shall the boundaries of any district be diminished in any manner, when it has any indebtedness.

“Upon the petition for abolition of a district, conforming to the

requirements set forth below, being filed with the probate judge, he shall order an election on abolition of the district to be held in the district within the time provided for by section 4, at which qualified electors residing within the district shall be entitled to vote. The petition shall be signed by at least 100 persons who are qualified electors residing within the boundaries of the district. It shall contain a recital that the district is not indebted; and it shall request the probate judge to order an election on whether the district shall be abolished. Upon the officers' canvassing the returns of the election certifying that abolition of the district was approved by a majority of the votes cast at the election, the district shall be abolished."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-370

H. 851—Roberts, Cooley, Letson,
Patton

AN ACT

Relating to Morgan County; to amend Act No. 380, S. 556, 1976 Regular Session (Acts 1976, p. 480), entitled, "An Act Relating to Morgan County; to provide for the Morgan County Board of Education, its members, their districts, qualifications, election and removal from office; and repealing conflicting laws," so as to further provide for the election of said members.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 380, S. 556, 1976 Regular Session (Acts 1976, p. 480), is hereby amended to read as follows:

"Section 1. The Morgan County Board of Education shall be composed of seven members elected from districts as follows: One member shall be elected from each of the board of education districts hereinafter described and shall be a qualified elector thereof, and shall reside in said district. All members shall be elected by the qualified electors residing within all school districts under the jurisdiction of the Morgan County Board of Education."

Section 2. Section 2 of Act No. 380, S. 556, 1976 Regular Session (Acts 1976, p. 480), is hereby amended to read as follows:

"Section 2. The Morgan County Board of Education districts

shall be as follows:

“District One, the West Morgan area, shall consist of elections precincts 1 and 17.

“District Two, the Danville area, shall consist of election precincts 2, 18 and 19.

“District Three, the Falkville area, shall consist of election precincts 20 and 21.

“District Four, the Eva area, shall consist of election precincts 22, 23, 25 and 10.

“District Five, the Priceville area, shall consist of election precincts 5 and 14 and that area outside the city limits of Hartselle in election precincts 15 and 16.

“District Six, the Cotaco area, shall consist of election precincts 6, 7, 11, 12, 13 and 24.

“District Seven, the Union Hill area, shall consist of election precincts 8 and 9.

“The qualified electors in precincts 3 and 4, the Decatur area, are specifically omitted; the City of Hartselle is specifically omitted.

“The county commission shall have the authority to alter said districts after each ten-year census in order to maintain an equal number of residents in each district.”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-371

H. 853—Roberts, Cooley, Letson,
Patton

AN ACT

To amend Act No. 636, H. 977, 1978 Regular Session (Acts 1978, p. 901), entitled, “An Act To authorize certain expense allowances for the members of the board of education in Morgan County,” so as to provide further for out-of-county expenses incurred by said members; and to ratify and confirm expenditures made in the county pursuant to Act No. 477, 1967 Regular Session or Act No. 656, 1969 Regular Session; and to provide that certain provisions hereof shall have retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 636, H. 977, 1978 Regular Session, is amended to read as follows:

“Section 1. The board of education of Morgan County may, by resolution duly adopted and entered upon the minutes of said board; fix and provide for an annual allowance for expenses to be provided each member of the board. Such allowance shall not, however, exceed \$1,800 per annum, and shall be paid in equal monthly installments out of the public school funds of the county. Such expense allowance when so fixed shall be in lieu of any and all other expense allowances heretofore provided by law for members of the county board of education. Provided, however, that each member of the board shall be reimbursed out of such school funds \$40.00 per day, plus their actual expenses incurred, when they are out of the county on board business.”

Section 2. Any expenditure made to members of the Morgan County board of education purportedly under the authority of either Act No. 477, 1967 Regular Session, or Act No. 656, 1969 Regular Session, between September 1, 1971, and the effective date of this section is hereby ratified and confirmed.

Section 3. The provisions of Section 1 hereof shall become effective retroactively from May 1, 1978, and the provisions of the balance hereof shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-372

H. 857—Waggoner, Moore, Smith (C)
AN ACT

Relating to Shelby County; to provide further for the compensation of certain poll officials and poll workers.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Shelby County shall provide such additional amount of daily compensation as is necessary to grant each poll worker a total compensation of \$25.00 and to grant the chief inspector or other chief election officer a total compensation of \$35.00.

Section 2. The provisions of this act are severable. If any part

of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-373

H. 858—Waggoner, Moore, Smith (C)

AN ACT

Relating to Shelby County; to require all polling places to remain open between the hours of 7:00 A.M. and 7:00 P.M. at all state and local elections held in the county; and to repeal Act No. 249, H. 873 of the 1975 Regular Session (Acts of Alabama 1975, p. 782) relating to the hours polling places remain open during elections.

Be It Enacted by the Legislature of Alabama:

Section 1. All polling places within Shelby County shall remain open between the hours of 7:00 A.M. and 7:00 P.M. for all state and local elections held in the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed and Act No. 249, H. 873 of the Regular Session 1975 (Acts 1975, p. 782) is expressly repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-374

H. 864—Minus

AN ACT

Relating to Choctaw County; to give the county commission certain powers and

authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Choctaw County is hereby authorized and empowered to construct and maintain driveways for schools, churches, and church owned cemeteries, located within the county, at county expense.

Section 2. The county commission is further authorized and empowered to construct and maintain any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting landowner for a distance of one-fourth of a mile.

Section 3. The actual cost of operating and constructing the road or driveway shall be borne and paid by the homeowner. The county commission is hereby authorized and empowered to require the posting of a cash bond to insure the payment of such actual cost. The county commission may, in its discretion, provide normal maintenance at county expense on any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting homeowner for a distance of one-fourth of a mile.

Section 4. Should any such homeowner desire the construction, opening or maintenance of any drive extending beyond one-fourth of a mile, he must pay the actual cost thereof and the county can require a cash bond for the estimated amount of such construction. Such additional construction shall be at the option of the county commission.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

To provide for a certain increase in court costs in the Choctaw County division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for the salaries of deputies sheriff in Choctaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. On the first day of the first month next following the effective date of this act, all costs and charges of court in the Choctaw County division of the First Judicial Circuit of this state shall be increased by four dollars (\$4.00) with the proceeds from such increase to be paid into the general fund of Choctaw County to be used exclusively for paying the salaries of deputies sheriff in Choctaw County.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-376

H. 866—Owens

AN ACT

Relating to Bibb County; prescribing the meeting dates for the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Bibb County, shall meet at least twice in each calendar month on the second and fourth Tuesdays of each month, at the courthouse or courthouse annex, to carry out the duties of the governing body as prescribed by law.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-377

H. 867—Owens

AN ACT

Relating to Bibb County; to provide for an additional expense allowance to the chairman of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other compensation or allowances heretofore provided by law, the chairman of the county governing body of Bibb County shall receive an additional expense allowance of \$200 per month payable from the county treasury.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-378

H. 868—Owens

AN ACT

Relating to Bibb County; to provide for an expense allowance for members of the county governing body, effective only upon the defeat at a Bibb County referendum election of a bi-unit road maintenance act for Bibb County passed at the 1979 Regular Session of the legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman and each member of the county governing body of Bibb County shall each receive an expense allowance of \$200.00 per month. The allowances herein provided shall be payable in equal monthly installments from the county general fund and shall be payable in addition to any other compensation or allowance payable by law to such persons.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration

shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall become effective only if the electors of Bibb County defeat, at a local referendum election held for such purpose, an act passed at the 1979 Regular Session of the legislature which establishes a bi-unit road maintenance system for Bibb County. If such bi-unit is so defeated by the electors of Bibb County, then the provisions of this act shall become effective on the first day of the month next following such referendum election.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-379

H. 869—Owens

AN ACT

To amend Act No. 869, H. 1197, Regular Session 1969 (Acts 1969, p. 1579), which Act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 869, H. 1197, Regular Session 1969 (Acts 1969, p. 1579), as amended, is hereby amended further to read as follows:

“Section 1. The members of the county board of education of Bibb County shall be entitled to expenses in an amount of \$50.00 per month. Such allowance shall be in addition to all other allowances provided by law and shall be payable from the public school funds of the county at the end of each month.”

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-380

H. 871—Owens

AN ACT

Relating to Bibb County; to provide for the employment of clerks, secretaries, and clerical assistants to perform duties in the office of the Judge of Probate and in the office of the Sheriff of Bibb County; to provide for the salaries of all such employees; and to authorize the Bibb County Commission or other like governing body to pay salaries or any portion thereof of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in such respective offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The Bibb County Commission, or other like governing body, is hereby authorized to employ such clerks, secretaries, and clerical assistants as are needed to perform duties in the office of the Judge of Probate and in the office of the Sheriff of Bibb County, Alabama. All such employees shall have their salaries determined by the County Commission to be paid in equal monthly installments from any funds available in the County Treasury, upon warrants drawn upon the County Treasury in the manner prescribed by law.

Section 2. The Bibb County Commission, or other like governing body, is hereby authorized to pay the salaries, or any portion thereof, of existing and future clerks, secretaries and clerical assistants employed by the Judge of Probate and the Sheriff and who are performing duties in the office of the Judge of Probate of Bibb County and in the office of Sheriff of Bibb County respectively. The County Commission shall determine the portion of such salaries to be paid by the County Commission, and the same shall be paid in equal monthly installments from any funds available in the County Treasury upon warrants drawn upon the County Treasury in the manner prescribed by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective as of October 1, 1979.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-381

H. 879—Patton

AN ACT

To extend, alter and rearrange the boundaries and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama so as to include within the corporate limits of the City of Decatur certain adjacent territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Decatur, a municipal corporation in the State of Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of the City of Decatur all of the following described property, situated in Morgan County, Alabama, to-wit:

Real estate located within the east half of Section 12, Township 5 South, Range 5 West, Morgan County, Alabama, and more particularly described as beginning at the southeast corner of said Section 12, and run thence north along the east boundary of Section 12 a distance of 1,140 feet, more or less, to a point on the east bank of the Dry Branch Embayment of Wheeler Reservoir where the east boundary of Section 12 intersects the 556-foot (mean sea level elevation datum) contour line, said point also being the true point of beginning of the parcel herein described; thence from the true point of beginning run along the 556-foot contour line as it meanders in a northwesterly direction along the east bank of the Dry Branch Embayment of Wheeler Reservoir to a point on the south bank of the Tennessee River; thence continue along the 556-foot contour line as it meanders in a southeasterly direction along the south bank of the Tennessee River to intersect the east boundary of Section 12; thence south along the east boundary of Section 12 a distance of 1,650 feet, more or less, to the true point of beginning, lying and being within the east half of Section 12, Township 5 South, Range 5 West, Morgan County, Alabama, and containing 29 acres, more or less.

Section 2. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

AN ACT

Relating to Morgan County; to place certain limitations on the amount of time which the records of certain registrations and licenses issued and renewed by the judge of probate and license commissioner of said county must be retained on file.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall not be necessary for the judge of probate or the license commissioner of Morgan County to retain on file the records of fishing, hunting and trapping licenses, boat registrations, drivers' licenses and vehicle tag receipts for longer than five years from the date of issuance or renewal of such licenses.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-383

H. 889—Patton

AN ACT

Relating to Morgan County; to prescribe the method whereby a fee may be charged by the Judge of Probate for celebrating the rites of matrimony after normal courthouse hours and authorizing him to retain such fee for his personal use.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of Morgan County is hereby authorized to charge a reasonable fee for celebrating the rites of matrimony after normal courthouse hours, and he may retain said fee for his personal use. This fee is in addition to any salary provided by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-384

H. 894—Patton

AN ACT

Relating to the management of the public records of Morgan County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Morgan County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Morgan County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commissioners of Morgan County may require the photographing or microphotographing, on plate or film of any record, document, plat, court file, book, map, paper, or writing made, acquired, or received as required by law by any official of Morgan County except those records that the board of registrars is required by law to make and keep, which may be photographed or microfilmed only if this procedure is approved unanimously by the board of registrars. Such photographs, microfilms, or prints made therefrom, when duly authenticated by the custodian thereof, shall have the same force and effect at law as the original record, or of a record made by any other legally authorized means, and may be offered in like manner and shall be received in evidence in any court where such original record, or record made by other legally authorized means, could have been so introduced and received. In like manner, reproductions made from such records by photographic or like process when otherwise in compliance with applicable statutes, rules and regulations, shall be received and treated in any court of this state as fully as would a transcription or reproduction of such records made by any other means or process.

Section 2. The court or board is authorized to charge to any office, court, board, institution, department or agency of the county the cost of photographing or microphotographing of public records belonging to that office, court, board, institution, department or agency, by the charging of the cost of such work to that office, court, board, institution, department or agency's appropriation from the county budget.

Section 3. The court or board may from time to time appropriate amounts out of the general fund of the county sufficient to pay the cost of photographing or microphotographing the public records belonging to the county, and may from time to time appropriate amounts sufficient to purchase necessary photographic or microphotographic equipment, materials and supplies therefor.

Section 4. The custodian of public records is authorized to photograph or microphotograph all public records existing as of the effective date of this act, and after such records have been processed and checked for clarity, all presently existing bound volumes may be offered to the State Department of Archives and History for permanent storage. Such volumes as are refused by the Department may be destroyed unless otherwise prohibited by law.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-385

H. 904—McCorquodale

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the Town of Grove Hill, in Clarke County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the Town of Grove Hill in Clarke County, are altered, rearranged and extended to include within the corporate limits of the municipality the lands lying and being in Clarke County, Alabama, described as follows: The W $\frac{1}{2}$ of SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 5, Township 8, Range 3 East.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:00 A.M.

Act No. 79-386

H. 852—Roberts, Cooley, Letson, Patton

AN ACT

Relating to Morgan County; to authorize the Morgan County Commission to furnish the coroner of said county an automobile for use in the performance of his official duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The Morgan County Commission is hereby authorized to furnish the coroner of said county an automobile, including gasoline and maintenance, for use in the performance of his official duties as coroner. Said vehicle, gasoline and maintenance shall be paid for from the general fund of Morgan County and shall be in addition to all other salary, compensation and expense allowances presently provided by law for said official.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:15 A.M.

Act No. 79-387

S.J.R. 123—Robertson

SENATE JOINT RESOLUTION

COMMENDING THE SUMTER COUNTY RURAL DEVELOPMENT COMMITTEE.

WHEREAS, the Sumter County Rural Development Committee was judged best in the state for its work in 1974; and

WHEREAS, in 1975, the United States Department of Agriculture - in a move not done previously or since - picked one county as the best in the nation in Rural Development work, Sumter was that county; and

WHEREAS, the Committee has assisted in getting financial help for rural development for Sumter County, has continuously supported the Tennessee-Tombigbee Project, promotes a Keep America Beautiful program called Cleaner Sumter County and has shown an outstanding commitment to working with a great variety of government agencies at all levels, educational institutions, private groups, and citizens at large; and

WHEREAS, at a Rural Development awards luncheon in

Montgomery, Alabama, Governor Fob James presented the top award to Percy Nixon, outgoing chairman of Sumter County's Rural Development Committee for being the Number One County in the state in Rural Development for 1978.

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That: The Legislature of the State of Alabama on behalf of all the people of this State wholeheartedly congratulate the members of the Sumter County Rural Development Committee for their dedication and hard work.

NOW BE IT FURTHER RESOLVED, That: A copy of this Resolution be sent to the Chairman of the Sumter County Rural Development Committee.

Approved July 18, 1979

Time: 10:15 A.M.

Act No. 79-388

S.J.R. 125—Miller, Smith, McDonald,
Lemaster

SENATE JOINT RESOLUTION

HONORING MISS RENE' HAMILTON OF HUNTSVILLE,
ALABAMA.

WHEREAS, it is with great pride and pleased accord that the Legislature of Alabama congratulates Miss Rene' Hamilton of Huntsville, Alabama, who currently reigns as "Miss Alabama-World" and, as such, will represent our state in the "Miss World America" Pageant in September; and

WHEREAS, presently attending Calhoun State Community College, Miss Hamilton will attend Auburn University in the Fall to pursue a major in fashion merchandising, a field in which she already participates as a model for Sears Roebuck and Company for the past seven years and as a student teacher for the modeling school for three years; and

WHEREAS, she is a former student at Lee High School in Huntsville where she was selected as an Outstanding Senior and Senior Class Favorite from a class of some 250 students; she also has taught poise and grace classes for which she is exceptionally qualified as evidenced by her own attributes of beauty, charm and grace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Rene' Hamilton of Huntsville, as the reigning "Miss Alabama-World" and also for her many other outstanding accomplishments as a student and in the field of fashion.

BE IT FURTHER RESOLVED, That she receive a copy of this resolution that she may know of our praise and of our warm best wishes for every future success.

Approved July 18, 1979

Time: 10:15 A.M.

Act No. 79-389

S.J.R. 126—Holmes and Teague

SENATE JOINT RESOLUTION

DESIGNATING THE WEEK OF OCTOBER 8, 1979, AS
"CALHOUN COUNTY INDUSTRY WEEK."

WHEREAS, it is the desire of the Legislature of Alabama to recognize the many and outstanding contributions that the industries of Calhoun County have made to the economy and citizenry of both the County of Calhoun and of the entire State of Alabama; and

WHEREAS, it is with enthusiastic endorsement that we further note the "Industry on Parade" Exhibition sponsored by the Calhoun County Chamber of Commerce which will be held on October 10, 1979, at the Quintard Mall in Oxford; and

WHEREAS, the Exhibition will feature 58 participating manufacturing industries joining the Chamber of Commerce in their efforts in maintaining a high level of interest and enthusiasm by the citizens of the county as well as by industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation and in praise, we hereby designate the week of October 8, 1979, as "Calhoun County Industry Week" to honor and give distinction to such industries.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Calhoun County Chamber of Commerce as evidence of our enthusiastic endorsement of their "Industry on Parade."

Approved July 18, 1979

Time: 10:15 A.M.

Act No. 79-390

S.J.R. 128—White and Proctor

SENATE JOINT RESOLUTION

CREATING A CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS.

WHEREAS, the Medicaid program of the State of Alabama is taking a larger and larger portion of the funds in the state treasury; and

WHEREAS, there exists on a regular basis a crisis situation with the administration of state funds for the medicaid program; and

WHEREAS, the members of the general public and state officials are becoming alarmed at the increasing cost of this program to the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing joint select committee to be composed of five members of the House and three members of the Senate to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicaid program with particular emphasis on the increasing cost to the state of such program. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1980 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the

committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee and the total expenses of the committee shall not exceed \$7,000.00.

Approved July 18, 1979

Time: 10:15 A.M.

Act No. 79-391

S.J.R. 130—St. John and Cook

SENATE JOINT RESOLUTION

HONORING ALEX W. NEWTON OF BIRMINGHAM FOR BEING ELECTED PRESIDENT OF THE INTERNATIONAL SOCIETY OF BARRISTERS.

WHEREAS, the Honorable Alex W. Newton, Attorney at Law of Birmingham, Alabama, has been named the President of the International Society of Barristers; and

WHEREAS, this organization is an international organization consisting of outstanding and noted trial attorneys from throughout the world; and

WHEREAS, Mr. Newton is a partner in the law firm of Hare, Wynn, Newell, and Newton of Birmingham, Alabama, a firm of distinguished lawyers, and has had many honors bestowed upon him by his brother lawyers; and

WHEREAS, he is a member of the Birmingham and American Bar Associations and the Alabama State Bar; past executive secretary of Alabama Trial Lawyers Association; past executive committee member of the Birmingham Bar Association; a fellow of the American College of Trial Lawyers; member of the American Judicature Society; and Vice President of the University of Alabama Law School Foundation; and

WHEREAS, Mr. Alex W. Newton is much respected and beloved by his fellow lawyers and his legion of friends throughout Alabama and the world; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do congratulate Alex W. Newton of Birmingham upon his elevation to the presidency of the International Society of

Barristers and to commend him for the many honors that have been bestowed upon him and heartily thank him on behalf of the people of Alabama for the many services he has rendered to his profession, his area and State and the honor he has brought to the State of Alabama and its Bar Associations by virtue of his election to this high office.

The Secretary of the Senate is hereby instructed to transmit a copy of this resolution to the Honorable Alex W. Newton of Birmingham.

Approved July 18, 1979

Time: 10:15 A.M.

Act No. 79-392

S. 70—Cook

AN ACT

Relating to Jefferson County; to prohibit the false personation of a peace officer and to provide a penalty therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, any person who falsely personates a peace officer of this or any other state, or any political subdivision thereof; or any person who under color of such false personation shall perform or attempt to perform, the duties of any such peace officer, or shall under color of such personation deprive any person of a legal right shall, be guilty of a misdemeanor, and upon conviction, be punished by imprisonment in the county jail at hard labor for a period not to exceed six months, or by a fine of not more than five hundred dollars (\$500.00) or by both in the discretion of the court.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:15 A.M.

Act No. 79-393

S. 71—Cook

AN ACT

To repeal Act No. 630, H. 941, 1978 Regular Session (Acts 1978, p. 893), entitled "An Act Relating to Jefferson County; to prescribe the civil service system status of certain truck weight inspectors and transfer agents employed in the sheriff's office of said county."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 630, H. 941, 1978 Regular Session (Acts 1978, p. 893), entitled "An Act Relating to Jefferson County; to prescribe the civil service system status of certain truck weight inspectors and transfer agents employed in the sheriff's office of said county," is hereby specifically repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:15 A.M.

Act No. 79-394

S. 363—Taylor and Goodwin

AN ACT

To regulate further the fees for recording documents affecting the title to real property in Autauga County; and providing for the disposition of said fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other costs and fees now authorized by law, the Probate Judge of Autauga County shall charge and collect three dollars for recording a property instrument, or any instrument or document affecting the title to property in such county.

Section 2. All fees collected pursuant to this Act shall be deposited into the general fund of Autauga County; however, the disposition of all other costs and fees now authorized by law shall not be affected by this Act.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:15 A.M.

Act No. 79-395

S. 496—Vacca

AN ACT

To amend Section 10 of Act No. 2079 of the Regular Session of the Legislature of Alabama of 1971 (Ala. Acts, 1971, pp. 3335-3350) providing for the incorporation of a municipal parking authority as a public corporation in any city of the state having a population of 300,000 or more, according to the last or any subsequent federal census, so as to grant additional powers to such authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 2079 of the Regular Session of the Legislature of Alabama of 1971 (Ala. Acts, 1971, pp. 3335-3350) is hereby amended so as to read as follows:

Section 10. Powers of the Authority. The Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form; (1) to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation; (2) to sue and be sued in its own name in civil suits and actions; (3) to adopt and make use of a corporate seal and to alter the same at pleasure; (4) to adopt and alter by-laws for the regulation and conduct of its affairs and business; (5) to acquire, receive, take and hold, whether by purchase, gift, lease, devise, eminent domain, or otherwise, property of every description, whether real, personal or mixed, and to manage said property, and to develop any undeveloped property owned, leased or controlled by it, provided, however, that no such Authority shall acquire or lease real property located outside the boundaries of the city; (6) to execute such contracts and other instruments and to take such other action as may be necessary or convenient to carry out the purposes of this Act or the exercise of any power granted hereunder; (7) to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect parking facilities; (8) to lease or let such facilities or any one or more of them to such tenant or tenants for such period and such compensation or rental and on such conditions as the Authority may prescribe, subject to the limitations stated in Section 11 of this Act; (9) to issue interest bearing revenue bonds payable from the limited sources hereinafter referred to; (10) to pledge for payment of such bonds any revenues and funds from which such bonds are made payable; (11) to make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of any purpose or purposes for which the Authority was organized;

(12) to appoint, employ, contract with and provide for compensation of such officers, employees, and agents, including

engineers, attorneys, consultants, fiscal advisers and such other employees as the business of the Authority may require, including the power to fix working conditions by general rule and other conditions of employment, and, at its option to provide a system of disability pay, retirement compensation and pensions, or any of them, and to hire and fire servants, agents, employees and officers at will; (13) to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility or other property owned or controlled by the Authority; (14) to make and enforce rules and regulations governing the use of any parking facility owned or controlled by the Authority; (15) to secure such insurance, including use and occupancy insurance, as the Board may deem advisable; (16) to invest any funds of the Authority that the Board may determine are not presently needed for its corporate purposes in any obligations which are direct general obligations of the United States of America or which are unconditionally guaranteed as to both principal and interest by the United States of America, or in bonds of this State or any county, city or town therein; (17) to cooperate with the State, any county, city, town, public corporation, agency, department, or political subdivision of the State, and to make such contracts with them as the Board may deem advisable to accomplish the purposes for which the Authority is established; (18) to sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or be useful; (19) to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any parking facility from the United States of America or any agency thereof, and from the State, any department or agency thereof and any political subdivision thereof, and to receive and accept money, property, labor or other things of value from any source whatever; and (20) to purchase equipment and supplies necessary or convenient for the exercise of any power of the Authority.

As herein used the term "area" means any area, space, or location on, above or below the surface of the ground or within, above, or below a building, structure or improvement. The Authority shall have the power to acquire, receive, take and hold, whether by purchase, gift, lease, devise, eminent domain, or otherwise, any area for the purpose of establishing and operating thereon or therein a parking facility, and also the power to acquire, receive, take and hold, by any of the aforesaid means, the right to install, construct and maintain on the property of another person supports, structures or improvements which will be appurtenant to the parking facility the Authority operates in the area. The Authority shall have the power to sell or lease to another person, any area in any property held by the Authority, provided the Authority

determines and declares that the Authority does not need such area for any parking facility. If the Authority sells or leases area to any person, under the power conferred in the next foregoing sentence, the Authority shall have the power to sell, or lease, to such person the right to install, construct and maintain on the Authority's property supports, structures or improvements which will be appurtenant to such person's use of the area sold or leased to such person by the Authority.

Section 2. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved July 18, 1979

Time: 10:15 A.M.

Act No. 79-396

S. 524—Vacca, Cook, White and Hall
AN ACT

To further amend subsection (a) of Section 4 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Subsection (a) of Section 4 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, is hereby further amended so that said subsection (a), as further amended, will provide as follows:

“(a) Part (1). The provisions of this Part (1) of subsection (a) are subject to the conditions and exceptions contained in Part (2) of said subsection (a), below.

“All officers or employees, including retired officers or employees, who are members of either of the previous retirement systems on the date of the establishment of this system shall become members of this system as of the date of its establishment. Except as herein otherwise provided, every person who is an employee of the County on the effective date of this Act, shall become a member of the system as of such date. Any person who is an employee of the County on the effective date of this Act and who is not a member of either of the previous retirement systems on said date shall not become a member of the system unless and until he exercises his option to become a member within the time and in the manner

hereinafter provided. The next foregoing sentence shall apply to every employee not belonging to either of the previous retirement systems on the effective date of this Act, regardless of whether he is, or is not, subject to the civil service system applicable to the County. Except as herein otherwise provided, every person becoming an employee of the County subsequent to the effective date of this Act and occupying a position subject to the civil service system applicable to the County shall become a member of the system on the date he enters the service of the County. Except as herein otherwise provided, every person becoming an employee of the County subsequent to the effective date of this Act and occupying a position not subject to the Civil Service System applicable to the County shall not become a member of the system unless he exercises his option to become a member in the manner and within the time hereinafter specified. Anything to the contrary above notwithstanding, a person whose employment is temporary shall not become a member of the system so long as his employment remains temporary. A person's employment shall be deemed to be temporary within the meaning of this Section 4 if such employment is temporary as defined by the civil service system applicable to the County, or if the officer, board, commission or agency employing such person certifies in writing to the Pension Board that said employment is temporary. A person who is an officer of the County on the effective date of this Act and who does not belong to either of previous retirement systems on said date and any person who becomes an officer of the County subsequent to the effective date of this Act shall have the option to become a member of the system in the manner and within the time hereinafter specified. Any officer or employee who has the option to become a member of the system shall state, on a form furnished by the Pension Board, or by the Secretary of said Board, that he elects to become a member; and he shall become a member on the first day of the calendar month next succeeding the month in which he completes the said form and files it in the office of the Pension Board. A person serving as an employee or officer of the County on the effective date of this Act and who is granted such option shall have six (6) months from said date in which to exercise the said option. A person becoming an officer or employee of the County subsequent to the effective date of this Act and who is granted such option shall exercise said option within six (6) months from the date on which he enters the service of the County. The period during which one is temporarily employed by the County shall not be considered in determining the said six (6) months. The option, once exercised, shall be irrevocable.

“If a person who has exercised his option to become a member

of the system thereafter leaves the service of the County, he shall become a member of the system upon the date on which he returns to the service of the County if he occupies a position rendering him eligible for membership in the system.

“Part 2. Any person entering the service of the County, including the classified service, who at the time of such entry is of such age that he cannot accumulate sufficient paid membership time to entitle him to a pension by the time he reaches the then established age of mandatory retirement from the County service, may elect not to become a member of the system.

“Any person in the service of the County, including the classified service, who is of such age that he cannot accumulate sufficient paid membership time to entitle him to a pension by the time he reaches the then established age of mandatory retirement from the County service, may elect to withdraw from the system in the manner provided for in the sentence next following. Any member desiring to withdraw from the system, under the next foregoing sentence shall deliver to the Pension Board a statement in writing notifying the Board of his election to withdraw from the pension system because of his age which shall be recited in said statement. If the Pension Board, after considering the said statement and other pertinent information, finds that the member submitting said statement is of such age that he cannot accumulate sufficient paid membership time to entitle him to a pension by the time he reaches the then established age of mandatory retirement from the County service, the Pension Board shall permit the member to withdraw from the System and shall return to him his contributions to the system, as provided for by Section 13 of this Act.”

Section 2. This Act shall become effective on its approval by the Governor, or on its otherwise becoming a law.

Approved July 18, 1979

Time: 10:15 A.M.

Act No. 79-397

H. 600—Letson

AN ACT

Relating to Lawrence County; amending Section 1 of Act No. 700, H. 1016 of the 1978 Regular Session (Acts 1978, Vol. II, p. 1009), relating to compensation for the clerk in the sheriff's office, so as to increase the maximum limit.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 700, H. 1016 of the 1978 Regular Session (Acts 1978, Vol. II, p. 1009) is hereby amended to read as follows:

“Section 1. The sheriff of Lawrence County is hereby authorized to employ a clerk to perform the clerical duties of the sheriff’s office. Such clerk shall receive a monthly salary of not less than \$475.00 nor more than \$800.00, the exact amount to be determined by the county commission of Lawrence County, to be paid from the public highway and traffic fund of the county treasury or such other funds of the county as may be available for such purposes.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:15 A.M.

Act No. 79-398

H. 617—Letson

AN ACT

Relating to Lawrence County; to place certain limitations on the amount of time which the records of certain registrations and licenses issued and renewed by the judge of probate and license commissioner of said county must be retained on file.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall not be necessary for the judge of probate or the license commissioner of Lawrence County to retain on file the records of fishing, hunting and trapping licenses, boat registrations, drivers’ licenses and vehicle tag receipts for longer than five years from the date of issuance or renewal of such licenses.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:15 A.M.

Act No. 79-399

H. 618—Letson

AN ACT

Relating to Lawrence County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to Lawrence County.

Section 2. In cases where a personal check given for a license is found to be noncollectible for any reason, the probate judge will notify the license inspector, who will make a reasonable attempt to retrieve the license in question. In the event that the license cannot be retrieved, the license inspector will so state and such statement shall constitute authorization for the probate judge to void any license in question. Once such license has been voided, the probate judge will receive credit for the cost of the license plus the issuance fee. The appropriate state office will mark the records pertaining to the void license and, upon inquiry by law enforcement agencies, will notify said agencies that the party in question is operating under a void license. All violations will be prosecuted in accordance with current law.

Section 3. The provisions of this act are supplemental. It shall be construed in *pari materia* with other laws relating to such matters; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:30 A.M.

Act No. 79-400

H. 773—Blake

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Moody in St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Moody in St. Clair County are hereby altered,

rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The North $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 2;

The Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2;

The Southwest diagonal $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2;

The North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 11;

The East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 3;

The Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 3; and the following described parcels situated in the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 3;

Parcel 1: Begin at the Northeast corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 3 and run in a Southerly direction along the East line of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 221.52 feet to a point on the Southerly right-of-way line of Honeysuckle Lane, said point being a point on a curve; thence turn an interior angle of $60^{\circ} 41' 02''$ (angle measured to tangent) and run to the right in a Northwesterly direction along the Southwesterly right-of-way line of Honeysuckle Lane and along the arc of a curve to the right having a central angle of $28^{\circ} 06' 30''$ and a radius of 159.71 feet a distance of 78.35 feet to the PT of said curve; thence continue in a Northwesterly direction along the projection of the tangent to the last described curve and along the Southwesterly right-of-way line of said Honeysuckle Lane a distance of 200.40 feet to a point on the North line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 3; thence turn an interior angle of $57^{\circ} 12' 30''$ and run to the right in an Easterly direction along the North line of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 164.29 feet to the point of beginning.

Parcel 2: Begin at the Northwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 3 and run in an Easterly direction along the North line of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 1141.88 feet to a point on the West right-of-way line of the Alabama Power Company; thence turn an interior angle of $93^{\circ} 35' 36''$ and run to the right in a Southerly direction along the West right-of-way line of said Alabama Power Company a distance of 150.30 feet to a point; thence turn an interior angle of $86^{\circ} 24' 24''$ and run to the right in a Westerly direction a distance of 1153.31 feet to a point on the West line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 3; thence turn an interior angle of $89^{\circ} 13' 54''$ and run to the right in a Northerly

direction along the West line of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 150.01 feet to the point of beginning.

All the above described property is situated in Township 17 South, Range 1 East, of the Huntsville Principal Meridian.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:30 A.M.

Act No. 79-401

H. 809—Hilliard, Cabaniss, Horn,
Howard, Payne, Nevett,
Trammell, Amari, Seibels,
Bennett

AN ACT

To repeal Act No. 821, H. 1266, 1965 Regular Session (Acts of Alabama 1965, p. 1534), as amended by Act No. 1030, H. 822, 1969 Regular Session (Acts of Alabama 1969, p. 1907), and to repeal said Act No. 1030, 1969 Regular Session, both of which relate to the fluoridation of water supplies in counties having a population of 600,000 or more according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 821, H. 1266, 1965 Regular Session (Acts of Alabama 1965, p. 1534), as amended by Act No. 1030, H. 822, 1969 Regular Session (Acts of Alabama 1969, p. 1907), and said Act No. 1030, 1969 Regular Session, both of which relate to the flouridation of water supplies in counties having a population of 600,000 or more according to the most recent federal decennial census, are hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:30 A.M.

Act No. 79-402

H. 810—Hilliard, Cabaniss, Horn,
Howard, Payne, Nevett,
Trammell, Amari, Seibels,
Bennett

AN ACT

To repeal Act No. 555, H. 945, 1953 Regular Session (Acts of Alabama 1953, p. 783), which relates to the flouridation of water supplies in counties having a population of 400,000 or more according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 555, H. 945, 1953 Regular Session (Acts of Alabama 1953, p. 783), which relates to the flouridation of water supplies in counties having a population of 400,000 or more according to the most recent federal decennial census, is hereby expressly repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:30 A.M.

Act No. 79-403

H. 840—Stout, Rains

AN ACT

To create an Industrial Development Authority for DeKalb County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, function, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority and for the compensation of its employees.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of promoting industry and trade and to assist the county commission in DeKalb County in their pursuits therefor, there is hereby created an Industrial Development Authority for DeKalb County which shall be composed of nineteen (19) members. All members of the Authority shall be residents and qualified electors of DeKalb County. The mayor and council from each of the following municipalities shall appoint one member from such municipality: Fort Payne, Valley Head, Mentone, Hammondville, Ider, Henager, Sylvania, Rainsville, Powell, Shiloh, Fyffe, Geraldine, Crossville, and Collinsville. Provided however that none of the aforementioned

appointees shall be an elected official of said municipality. Each of the four county commissioners shall appoint one member from outside the above-named municipalities. The chairman of the county commission shall serve as a member. All members of the Authority shall serve for terms of four years. Successors to members of the Authority shall be appointed in the same manner as the original members are appointed and all members shall serve until their successors are so appointed. Vacancies on the board shall be filled by the appointing Authority making the original appointment, but any person appointed to fill a vacancy shall serve only for the unexpired portion of the term. In the event that any original position on the Authority has not been filled, as herein provided for within thirty (30) days after the effective date of this act, then, the county commission shall have the right to appoint a qualified resident citizen of the appropriate community to fill said position.

Section 2. The Authority shall hold an organizational meeting within thirty days after the appointment of all its members and shall elect a Chairman and Vice-Chairman from among its members. Such officers shall serve for such term as the Authority by rule or regulation may prescribe. After the organizational meeting, the Authority shall meet at the time and place designated in the call. The Chairman or a majority of its members may call a meeting of the Authority, and at least four meetings shall be held annually. The Chairman shall preside at each meeting of the Authority. In his absence, the Vice-Chairman shall preside. A majority of the members of the Authority shall constitute a quorum. Members of the Authority shall receive no compensation for their services, but they shall be entitled to reimbursement for their actual and necessary expense incurred in the performance of their official duties.

Section 3. Upon the organization of the Industrial Development Authority of DeKalb County, said Authority shall be constituted an instrumentality for the exercise of public and essential government functions and the exercise of the powers conferred by this act, and the development of the county shall be deemed to be an essential governmental function of the county.

Section 4. The Authority is hereby empowered to employ an executive director who shall be its chief executive officer, and a treasurer to serve at the pleasure of the Authority. The executive director and treasurer shall each be bonded for the faithful performance of his duties before he enters upon the discharge thereof. The Authority is empowered further to employ a secretary who shall serve as the chief administration officer of the Authority.

This secretary may serve at the discretion of the Authority as a full-time or part-time employee. The Authority shall fix the salaries of the executive director, treasurer, and secretary. The executive director shall have authority to employ clerical and other assistants subject to the approval of the Authority.

Section 5. The Authority or its agents or employees may (a) investigate, study and engage in basic research relative to the natural resources of land, water, minerals, and people in the county and apply its findings in efforts to promote a sound and balanced agricultural, industrial and economic development of the county; (b) cooperate with municipal, regional, state or federal planning or other industrial development authorities; (c) publicize and advertise the industrial, commercial and agricultural resources and opportunities in the county; (d) collect, compile and distribute literature concerning the facilities, advantages and attractions of the county, the educational, historic, recreational and scenic places of interest within the county and the air, water and highway transportation facilities; (e) contract with other agencies, individuals or corporations to promote the purposes of this act, and expressly to contract with any municipality in the county, not having an industrial development board, to act as the development agency for such municipality, and as such agency to exercise all powers granted to municipal development agencies under the general laws of the state; (f) enter upon any land in the county, with the consent of the owner, and make examinations and surveys and place and maintain necessary monuments and markings thereon; (g) accept gifts, grants, bequests or devises; and (h) acquire land for industrial park development and construct buildings for lease, for industrial development only.

Section 6. The Authority may establish and maintain an office at the county courthouse complex if space is available or at some other suitable place within the county. The cost of securing, furnishing, equipping, lighting, heating and maintaining such office shall be a lawful charge against any funds appropriated for the use of the Authority.

Section 7. Forty percent of the cost of operation of the Authority shall be paid by the county and the remaining cost shall be paid by the aforementioned cities and towns. On or before January 15 of each year, the Authority shall certify to the appropriate official of each city and town what the proportionate amount of the funding of the Authority shall be for said city or town, such amount to be based on the ratio of the population of the city or town to the total population of the county. Each city or town shall remit its proportionate amount on or before March 1 of each year.

The Authority shall then deposit such monies in a special fund in the county treasury to the credit of the Authority. All other funds otherwise coming into the hands of said Authority shall likewise be deposited in such fund. The ordinary and necessary operating expenses of the Authority, including the expenses of its members and the salaries and expenses of employees of the Authority shall be paid out of Authority funds. The Authority shall be audited as are other state and county agencies by the Department of Examiners of Public Accounts.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:30 A.M.

Act No. 79-404

H. 861—Cobb

AN ACT

Relating to Marion County; authorizing the county commission to pay an additional expense allowance to the chief deputy sheriff, each deputy sheriff and the sheriff's clerk; and giving this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Marion County is authorized and directed to pay the chief deputy sheriff, each deputy sheriff and the sheriff's clerk an additional expense allowance of \$100 per month payable from the general fund of the county. Such expense allowance shall be in addition to all compensation or allowances heretofore payable to each such officer.

Section 2. The provisions of this act shall have retroactive effect to May 1, 1979.

Approved July 18, 1979

Time: 10:30 A.M.

Act No. 79-405 S.J.R. 131—Goodwin, Bailey, Barron,
 Britnell, Callahan, Clemon,
 Cook, deGraffenried, Denton,
 Figures, Glass, Gullledge, Hall,
 Harrison, Higginbotham,
 Holmes, Keener, Kirkland,
 Lemaster, Little, McDonald,
 Martin, Miller, Mitchem,
 Parsons, Pearson, Proctor,
 Robertson, Smith, St. John,
 Taylor, Teague, Vacca, Weeks
 and White

SENATE JOINT RESOLUTION

INVITING MEMBERS OF THE LEGISLATURE TO THE
 CEREMONY TO UNVEIL THE PORTRAIT OF THE LATE
 SENATOR WALTER C. GIVHAN.

WHEREAS, Walter C. Givhan served the 14th District in the Senate longer than any previous member of either House, earning the affectionate nickname of "Dean of the Senate"; and

WHEREAS, he was considered the champion of agricultural interests in the state, and sponsored much progressive legislation for which Alabama farmers are grateful; and

WHEREAS, Senator Givhan died on February 18, 1976, at the age of 74, after having served for sixteen years in the House of Representatives and twenty-one years in the Senate, leaving behind a host of friends in the Capitol complex; and

WHEREAS, his portrait has been painted by John Owens and is being donated to the Capitol by friends of Senator Givhan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the ceremony to unveil the portrait of the late Senator Walter C. Givhan be held in the House Chamber of the Capitol on July 17, 1979, at 2:30 p.m., to honor the memory of a great man, the portrait to be hung in the second floor Rotunda.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his widow, Mrs. Geneva Y. Givhan, and to his two sons, Walter and Samuel, that they may know of our high regard for the "Dean of the Senate."

Approved July 18, 1979

Time: 10:30 A.M.

AN ACT

To amend Act No. 126, H. 58, 1971 Regular Session (1971 Acts, p. 208) entitled "An Act To provide for the assessment, collection, amount and use of additional taxes as court costs in all cases docketed in the Circuit Court in the Thirteenth Judicial Circuit," so as to further provide for the distribution of such taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 126, H. 58, 1971 Regular Session (1971 Acts, p. 208), is hereby amended to read as follows: "An Act To provide for the assessment, collection, amount and use of additional taxes as court costs in all cases docketed in the Circuit Court in the Thirteenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

"Section 1. In each civil action at law, suits in equity, criminal case, or any other proceeding which has originated or may hereafter originate in the circuit court of the Thirteenth Judicial Circuit, there shall be taxed as costs the sum of \$2.00 which shall be in addition to all other court cost.

"Section 2. All such additional costs as provided herein shall be collected by the Clerk or Register in the same manner as other court costs are collected by said Clerk or Register, and shall be paid into the county treasury and deposited and kept in a special fund to be known as the 'Court Administration Fund'. Such fund shall be expended by the Presiding Judge of the Thirteenth Judicial Circuit to promote the administration of justice in said Circuit.

"Section 3. The Presiding Judge of the Thirteenth Judicial Circuit is hereby authorized to requisition expenditures from the Court Administration Fund for the more effective administration of justice, including but not limited to paying the costs of securing the advice and attendance of witnesses; registration fees and other actual expenses incurred in attending seminars, institutes, conferences and other meetings in connection with continuing legal and judicial education; membership fees or dues in legal and judicial organizations; and such other actual and necessary expenses incurred by the Judges of said Court in maintaining and promoting legal and judicial competency and proficiency.

"Section 4. All laws or parts of laws which conflict with this Act are repealed.

"Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 6. This Act shall become effective on the first day of the first month next following its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:30 A.M.

Act No. 79-407

S. 484—Proctor and Cook

AN ACT

Relating to Shelby County; providing for the compensation of the tax assessor and tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor and tax collector of Shelby County shall each receive an annual salary of \$22,500 to be paid in equal monthly installments out of the county general fund. Such salaries shall be the entire compensation received by the tax assessor and tax collector and shall be in lieu of all feed, commissions, allowances, percentages and other charges heretofore paid to such officers.

Section 2. The salaries provided for in Section 1 of this act shall become effective upon the expiration of the term of office of the incumbent of each office.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:30 A.M.

Act No. 79-408

S. 553—Taylor

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pine Apple, in Wilcox County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Pine Apple, in Wilcox County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

All of that portion of Section 5 not now incorporated within the corporate limits of the Town of Pine Apple and the N $\frac{1}{2}$ of Section 8, Township 10 N, Range 11 E, Wilcox County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:30 A.M.

Act No. 79-409

H. 876—Kennedy (C)

AN ACT

To amend Act No. 107 adopted February 14, 1956, as amended by Act No. 155, adopted August 2, 1957, as amended by Act No. 455, approved September 6, 1957, as amended by Act No. 235, approved August 15, 1963, such original Act creating and providing for in the City of Prichard, Alabama, a special fund to be known as the Municipal Employees Pension and Relief Fund. In addition to the provisions already enacted, this amendment amends Section IX by changing in Section IX the payments of monthly benefits from one (1) year to five (5) years and amends Section X dealing with employees while performing their duties becomes or is found to be physically, mentally or permanently disabled to be retired and to be paid from the said fund a sum equal to sixty per cent (60%) of his or her compensation as provided in Section X. This Amendment deletes from said Section X the five (5) year period for which said retirement shall be payable.

Be It Enacted by the Legislature of Alabama:

Amend Section IX as follows:

Section IX. That if any employee of the City of Prichard, Alabama, while in the performance of his or her duties, becomes and is found to be temporarily totally disabled, mentally or physically, for services to the City of Prichard, by reason of service

therein, the City Council of the City of Prichard, Alabama, shall order the payment of and there shall be paid from the proper fund herein provided for, to such disabled member, an amount equal to fifty percent (50%) of his or her compensation at the time of the commencement of the discovery of such disability or an amount equal to fifty percent (50%) of the average compensation of such employee for the then past four (4) calendar years, or major fraction thereof during such total disability, whichever shall be the greater, which payment shall be made monthly or semi-monthly and for a period not longer than five (5) years; and such disability shall be arrived at upon the authority of the City Council of the City of Prichard, after report from a reputable physician designated by the City Council of the City of Prichard, Alabama, and after consideration of such other evidence, medical or otherwise, which the City Council of the City of Prichard, Alabama, may desire to conduct, this provided such employee, during the same period is paid no salary as an employee of the City of Prichard, Alabama.

Average annual compensation of any employee over the then past four (4) calendar years as herein above used in this Section IX and as used hereafter from time to time in Section X, XI, XII, and XIII specifically that follow shall include in the then past four (4) years the compensation of an employee for the major fraction of a year; provided, however, that in the divisor used to divide such total compensation in order to obtain the "average" only the full years and the fraction for which the compensation in the fractional year was paid shall be included.

Amend Section X as follows:

Section X. BENEFITS FOR RETIREMENT CAUSED BY DISABILITY. If any employee of the City of Prichard, Alabama, while in the performance of his or her duties, becomes or is found to be physically or mentally permanently disabled for service in his or her respective department, by reason of service therein, so as to render his or her retirement from such service necessary, the City Council of the City of Prichard, Alabama, shall make the necessary orders and shall retire such disabled employee from service in the department in which the disability occurred; and upon retirement, such member shall be paid monthly or semi-monthly, from the fund, an amount equal to sixty percent (60%) of his or her compensation at the time of such disability or an amount equal to sixty percent (60%) of the average compensation of such employee over the then preceding four (4) years, whichever shall be the greater. Provided that such payment shall not continue for a longer than five (5) year period, provided, further, that during such five (5) years such employee shall be considered an employee of the City of

Prichard, Alabama for retirement purposes. Should any employee of the City of Prichard who has been employed in the city's service for a period of fifteen (15) years be found physically or mentally totally or partially disabled through no misconduct on his or her part for services in any city department, so as to render his or her retirement from such service necessary, the City Council of the City of Prichard shall make necessary orders to effectuate, and shall retire such disabled employee from service with the city, and upon such retirement said city employee shall be paid monthly or semi-monthly from the fund an amount equal to fifty percent (50%) of his or her compensation at the time of his or her becoming disabled or such disability being discovered or an amount equal to fifty percent (50%) of the average compensation of such employee over the then past four (4) calendar years, whichever shall be the greater. Provided that such payments shall not continue for a period of longer than five (5) years; provided further that during such five (5) years such employee shall be considered an employee of the City of Prichard for retirement purposes. Such employee may be called back and examined at any time under the orders of the City Council of the City of Prichard, Alabama, and may be ordered back to active service, or to perform other services in connection with the operation of the city, such as he is able to perform according to the instructions, findings and orders of the City Council of the City of Prichard, Alabama.

Section X (A). EFFECTIVE DATE. This act shall become effective immediately upon its passage and approval by the legislature and approval by the Governor, or upon its otherwise becoming law.

Approved July 18, 1979

Time: 10:30 A.M.

Act No. 79-410

H. 153—Waggoner

AN ACT

Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of said Act No. 261 is hereby amended to read as follows:

Section 1. There shall be paid to each District Court Judge in

Jefferson County, Alabama, as supplemental salary to that paid by the State, in equal bi-weekly installments, such sums as the County Commission or other governing body of the County may from time to time determine to be necessary to make the annual salary of each District Court Judge in Jefferson County, Alabama, to be not less than \$29,500.00 nor more than the annual salary paid to said Judges by the State of Alabama plus 40% thereof.

Section 2. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:30 A.M.

Act No. 79-411

H. 830—Campbell

AN ACT

Relating to Calhoun County; to repeal Act No. 610, Acts of Alabama, Regular Session 1978, Relating to the offices of the tax assessor, tax collector, license commissioner, probate judge and coroner in Calhoun County; to authorize the tax assessor to appoint a deputy tax assessor; to authorize the tax collector to appoint a deputy tax collector; to authorize the coroner to appoint a deputy coroner; to establish the duties of such deputies; and to prescribe the respective salaries to be fixed by the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 610, Acts of Alabama, Regular Session, 1978, Relating to the offices of the tax assessor, tax collector, license commissioner, probate judge and coroner in Calhoun County; to authorize the tax assessor to appoint a deputy assessor; to authorize the tax collector to appoint a deputy tax collector; to authorize the license commissioner to appoint a deputy license commissioner; to authorize the probate judge to appoint a deputy probate judge; to authorize the coroner to appoint a deputy coroner; to establish the duties of such deputies, and to prescribe the respective salaries to be fixed by the county commission; is hereby repealed.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:30 A.M.

Act No. 79-412

H. 870—Owens

AN ACT

Relating to Bibb County; establishing a bi-unit road maintenance, repair and construction system; providing for two shop and storage yards; providing for the construction, maintenance and repair of public roads, highways, bridges, ferries and certain driveways under the county bi-unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Bibb County; providing for compensation to be paid to county officers, employees and laborers; and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be a bi-unit road maintenance, repair and construction system in Bibb County. There shall be two maintenance and repair shops for county equipment. One shall be located in the northern part of the county and the other shall be located in the southern part of the county. Located adjacent to said shops shall be a storage yard for the storage of equipment and materials for the construction, maintenance and repair of county roads and bridges.

Section 2. The Bibb County Commission or any succeeding county governing body performing the functions of the county governing body in said county, shall employ a county engineer, who shall be a thoroughly qualified and competent civil engineer, possessing all of the qualifications as specified for county engineers under the general laws of the State of Alabama; and he shall devote his entire time and attention to the maintenance and construction of the Bibb County public roads, highways, bridges and ferries, and shall, during his employment, reside in Bibb County, Alabama.

Section 3. It shall be the duty of the said county engineer, (1) to employ, supervise and direct all such assistants as are necessary properly to maintain and construct the public roads, highways, bridges, and ferries of Bibb County, and he shall have authority to prescribe their duties, and to discharge said employees for cause, or when not needed; (2) to perform such engineering and surveying service as may be required, and to prepare and maintain the necessary maps and records; (3) to maintain the necessary accounting records to reflect the cost of the county highway system;

(4) to build, or construct new roads, or change old roads, but only when ordered to do so by proper order of the commission; (5) it shall be his further duty, insofar as is feasible, to construct and maintain all county roads on the basis of the county as a unit, without regard to any district or beat lines.

Section 4. It shall be the duty of the commission to fix, from time to time, in accordance with prevailing economic conditions, the various scales of wages or salaries to be paid for employees, assistants and labor necessary in the maintenance and construction of said roads, bridges, and ferries, and said wage or salary scale shall not be exceeded by said engineer in the employment of labor, employees and assistants.

Section 5. The commission shall fix the amount of the salary of the said county engineer, payable in equal monthly installments from the road and highway funds of Bibb County.

Section 6. Before entering upon his duties, the said county engineer shall make and enter into a surety bond in the amount of five thousand dollars (\$5,000.00), payable to Bibb County, conditioned for the faithful discharge and performance of his duties as such engineer, and for the faithful accounting of all monies or property of said county, which may come into his possession or custody. Said bond shall be executed by a surety company authorized and qualified to do business in Alabama, and be approved by the commission. The premiums thereon shall be paid by the county.

Section 7. The commission shall furnish the county engineer with an office at the courthouse, or elsewhere, at the county seat, and all necessary office supplies, and shall furnish him with necessary transportation in connection with his duties under this Act.

Section 8. The county engineer shall be the custodian of all road tools, machinery, supplies and equipment of Bibb County, and he shall be accountable for the same, at all times. The commission shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment, and the county engineer shall keep on file in his office, at all times, an up-to-date inventory, containing a list of all said tools, machinery, equipment and supplies belonging to Bibb County.

Section 9. The authority of said county engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repairs of public roads, bridges, and ferries of Bibb County as may be set aside and appropriated by the

commission as hereinafter provided; it shall be the duty of said commission at some meeting in September of each calendar year, or not later than the first meeting in October following, by order or resolution spread upon the minutes, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and ferries of Bibb County for the current fiscal year, beginning on October 1, which said amount, other than the salary of said county engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges and ferries in Bibb County during said period; provided, however, that said commission is authorized, from time to time within any such period, to increase the amount so allowed to be expended by said county engineer during said period, when such authorization will not conflict with provisions of the general law under the Budget Act, Section 11-8-3 of the Code of Alabama 1975. Provided further, that if such funds are presently available, and have not heretofore been set aside by the present Bibb County Commission, immediately upon the passage and approval of this Act, it shall be the duty of the commission to set aside a sufficient portion of said funds for the maintenance of said roads, bridges, and ferries until the meeting in January or February, 1980, as hereinabove provided for.

It is further provided that the county road maintenance program is hereby authorized to contract or maintain, for a reasonable fee to be determined by the county commission, the driveways of private landowners for a distance not to exceed $\frac{1}{4}$ of a mile beyond any public road of the county.

Section 10. The county engineer shall make written requisition to the chairman of the commission for all materials, machinery, equipment, and necessary supplies needed for the construction, maintenance, or repair of the public roads, bridges and ferries of Bibb County. Said requisitions shall be filed and presented by the chairman to the commission at its next meeting, for the approval of the commission. Provided, however, that the chairman shall have full power and authority to make said purchases without first obtaining the approval of the whole board if the delay caused by the hereinabove procedure, might, in his judgment, cause an unnecessary and harmful interruption in the operation of the county road system. The chairman of the commission shall be solely responsible and accountable for purchasing the materials, machinery, equipment, and supplies under the approved requisitions.

Section 11. It shall be the further duty of the county engineer to inspect all materials, machinery, equipment, and supplies,

purchased by Bibb County for use on public roads, bridges, and ferries, when the same is delivered, and the same shall not be accepted and paid for without its first having been approved by him.

Section 12. In the event an emergency should arise, in which it would be impossible for the commission to employ an engineer, as hereinabove provided for, then, in that event the commission shall employ a competent road supervisor who need not be an engineer, but, when so employed, he shall have all the duties and authority of said engineer, and be subject to the provisions of this Act; but an emergency shall not exist so long as the state highway director can nominate an engineer who will accept employment by said commission under the terms of this Act, it being the intention of this Act to provide that, when county roads are to be maintained or constructed in said county, the supervision thereof shall be either under a county engineer, as hereinabove provided for, or, by a road supervisor, who is not a member of the commission.

Section 13. It shall be the further duty of each associate member of the commission to inspect the roads of his district from time to time, and hear the suggestions and complaints of the citizens, and report the same to the commission with his recommendations; to advise with the county engineer concerning the problems of his district, particularly; and to assist in securing rights-of-way, and assist in public relations generally.

Section 14. The total salary of the county commissioners shall be limited to \$500.00 per month, effective January 1, 1980.

Section 15. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. This Act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Bibb County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the first election day in the county next following final passage of this Act. Notice of the election shall be given by the judge of probate of Bibb County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition shall be stated as follows: "Do you favor the local law placing Bibb County public roads, highways, bridges and ferries under the county bi-unit system and authorizing and requiring the employment of a county engineer? Yes () ; No ()." If a

majority of the votes cast at the election are in the affirmative, this Act shall be in full force and effect as of January 1, 1980. If a majority of the votes cast are in the negative, this Act shall have no further effect. The judge of probate of Bibb County shall certify the results of the election to the Secretary of State within thirty days after the returns have been canvassed.

Section 17. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 18. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 10:30 A.M.

Act No. 79-413

S.J.R. 96—Cook

SENATE JOINT RESOLUTION

ESTABLISHING A JOINT LEGISLATIVE INVESTIGATIVE COMMITTEE TO INVESTIGATE THE RISING PRICE OF GASOLINE AND OTHER MOTOR FUELS IN ALABAMA.

WHEREAS, the price of gasoline and other motor fuels has been rising rapidly in the past several weeks; and

WHEREAS, there are conflicting reports as to the reasons for shortages of motor fuels and the rising prices; and

WHEREAS, traditional differentials in prices between various grades of motor fuels have all but disappeared; and

WHEREAS, it is important for the public to know whether price gouging by oil companies is taking place; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Legislative Investigative Committee, of a continuing nature, to investigate the pricing of gasoline and other motor fuels in Alabama. The committee shall be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each house. The committee shall select from among its membership a chairman and a vice-chairman. The committee shall have subpoena power and the

power to punish for contempt of a committee of the legislature. The committee shall meet upon the call of the chairman and may hold hearings anywhere within the state. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the next Regular Session of the Legislature, and shall thereupon stand dissolved. Each member of the committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day in attendance of a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman, provided, however, all monies appropriated to this committee shall not exceed \$7000.

Approved July 17, 1979

Time: 7:30 P.M.

Act No. 79-414

S.J.R. 116—Vacca

SENATE JOINT RESOLUTION

NAMING THE NEW JEFFERSON COUNTY HEALTH DEPARTMENT BUILDING IN HONOR OF VETERAN HEALTH OFFICER, GUY M. TATE, JR.

WHEREAS, Guy M. Tate, Jr., of Birmingham retired July 1, 1978, as Deputy Health Officer for the Jefferson County Health Department, the first non-physician ever to achieve that rank, and his long years of service in Public Health were interrupted only by World War II during which time he was with the Corps of Engineers and was awarded the Bronze Star for valor; entering as a Second Lieutenant, he now is a retired Colonel, A. U. S.; and

WHEREAS, Selma native, Guy Tate, is a graduate of Selma High School and of Auburn University where he was awarded a B. S. Degree in Civil Engineering; he earned his Masters Degree in Sanitary Engineering at Harvard University and joined the Alabama Department of Public Health in 1929; and

WHEREAS, he served through the years with the Tennessee Valley Authority as Assistant Sanitary Engineer in charge of its General Environmental Health Program in seven states, as Director of the Jefferson County Health Department's Bureau of Sanitation and as Deputy Health Officer from 1969 until retirement, acting as Health Officer in 1976-1977; and

WHEREAS, in addition to his contributions in traditional public health environmental programs, Mr. Tate was the first to establish a housing code program within an Alabama health department, working for nearly fifteen years toward the eventual enactment and implementation of the Alabama Clean Air Act; he is professionally affiliated with numerous associations on the local, state, regional and national levels and has further long been active in many of the civic and community affairs in the Birmingham area; and

WHEREAS, his awards, too numerous to list, include the 1976 William Henry Sanders Award of the Medical Association of the State of Alabama; also the Alabama Public Health Association established in his honor the Guy M. Tate, Jr. Award to recognize individuals for outstanding service in public health; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and in recognition of meritorious service in the field of Public Health and in deep appreciation for contributions of singularity, we hereby name and designate the new Jefferson County Health Department Building, the "Jefferson County Department of Health Guy M. Tate, Jr., Building."

BE IT FURTHER RESOLVED, That authorities are directed to erect and maintain appropriate signs and markers so designating said building as the "Jefferson County Department of Health Guy M. Tate, Jr., Building."

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Tate as a memento of this honorary designation and as evidence of our appreciation and sincere praise.

Approved July 17, 1979

Time: 7:30 P.M.

Act No. 79-415

S. 326—Denton

AN ACT

Relating to the City of Florence; amending Section 1 of Act No. 260, H. 316 of the 1978 Regular Session (Acts 1978, Vol. 1, p. 235), so as to make the municipal tax exemption on certain annexed farm property mandatory rather than discretionary with the city commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act no. 260, H. 316 of the 1978 Regular

Session (Acts 1978, Vol. 1, p. 235), is hereby amended to read as follows:

"Section 1. The City Commission of Florence, Alabama, shall waive city taxes on annexed farm property, so that the residential dwelling on the property and one acre of land shall be taxed at the regular city tax rates, but the remainder of the land used as farm and agricultural property shall be exempt from city taxes."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1979

Time: 7:30 P.M.

Act No. 79-416

S. 330—Gulledge

AN ACT

Relating to Baldwin County; providing for the compensation of the tax assessor and tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. In Baldwin County, commencing with the next term of office, the tax assessor and the tax collector shall each be entitled to and receive a salary of \$21,600 per annum payable out of the county general fund the same as are the salaries of other county officials. The compensation provided for herein shall be in lieu of all other salary, compensation, expense allowances, or other allowances now provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1979

Time: 7:30 P.M.

Act No. 79-417

S. 332—Gulledge

AN ACT

Relating to Baldwin County; to further provide for the liability of the sheriff for the acts of his deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Baldwin County shall not be liable for the acts of his deputies unless he participates in such acts or the same are done in compliance with his orders or with his knowledge and consent; provided, however, the sheriff and the sureties on his bond shall be liable for the misappropriation of money collected by any deputy sheriff under color of his office or in the course of his employment.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1979

Time: 7:30 P.M.

Act No. 79-418

S. 413—Mitchem

AN ACT

To alter or rearrange the boundary lines of the City of Albertville, Marshall County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Albertville, Marshall County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Albertville, Alabama, and in addition thereto the following described territory:

Beginning at the SE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 22, Township 9 South, Range 4 East; thence North along the East line of said forty a distance of 352 feet; thence South $80^{\circ} 30'$ West a distance of 887 feet; thence South $85^{\circ} 40'$ West a distance of 203 feet; thence South $23^{\circ} 36'$ East a distance of 198.4 feet; thence East along

the South line of said forty 986.5 feet to the beginning point.

Also: The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$; the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28, Township 8 South, Range 4 East; the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$; the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29, Township 8 South, Range 4 East; the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$; the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$; and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 33, Township 8 South, Range 4 East; the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 8 South, Range 4 East; the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11, Township 9 South, Range 4 East; the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 19, Township 9 South, Range 5 East; the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, Township 9 South, Range 4 East; all lying and being in Marshall County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1979

Time: 7:30 P.M.

Act No. 79-419

S. 428—Parsons

AN ACT

An Act altering, rearranging and extending the boundaries of the City of Pleasant Grove, Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Pleasant Grove, in Jefferson County, are hereby altered, rearranged and extended so as to include within the corporate limits of said city certain additional territory lying within the three parcels of land hereinafter described as "Parcel I," "Parcel II" and "Parcel III," to-wit:

PARCEL I

The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and all that part of the Southeast diagonal half of the East half of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ which lies South of the center line of Fourth Place, if said Fourth Place were extended. All in Section 6, Township 18 South, Range 4 West, Jefferson County, Alabama.

PARCEL II

The Northwest diagonal half of the West half of the Northwest Quarter, Section 7, Township 18, South, Range 4 West (40 Acres).

PARCEL III

The Southeast diagonal half of the East half of the Northwest Quarter of the Northwest Quarter; the East half of the Southwest Quarter of the Northwest Quarter; the Southeast diagonal half of the West half of the Southwest Quarter of the Northwest Quarter; the West half of the Southwest Quarter, all in Section 7, Township 18 South, Range 4 West, (120 Acres); The West half of the Northwest Quarter of Section 18, Township 18 South, Range 4 West, (80 Acres); The East half of the Northeast Quarter of Section 13, Township 18 South, Range 5 West, (80 Acres); The East half of the Southeast Quarter of Section 12, Township 18 South, Range 5 West, (80 Acres).

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1979

Time: 7:30 P.M.

Act No. 79-420

S. 440—Keener

AN ACT

Relating to Etowah County; providing for the compensation of the tax assessor.

Be It Enacted by the Legislature of Alabama:

Section 1. In Etowah County, commencing with the next term of office, the tax assessor shall be entitled to and receive a salary of \$20,000 per annum payable out of the county general fund. The compensation provided for herein shall be in lieu of all other salary, compensation, expense allowances, or other allowances now provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1979

Time: 7:30 P.M.

Act No. 79-421

S. 462—Little and Higginbotham

AN ACT

To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624), as last amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624), as last amended, entitled, "An Act Relating to Chambers County; To change the method of compensation of certain county officers, placing the officers on a salary, and providing for their assistants, and the office space and equipment necessary for the conduct of their offices," is hereby amended further to read as follows:

"Section 1. The following officers of Chambers County shall receive the following salaries on an annual basis in lieu of all other compensation:

- | | | |
|--------------------|---|-------------|
| "(a) Probate Judge | - | \$21,000.00 |
| "(b) Tax Assessor | - | \$18,600.00 |
| "(c) Tax Collector | - | \$18,600.00 |

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1979

Time: 7:30 P.M.

Act No. 79-422

S. 463—deGraffenried

AN ACT

To provide that the City of Tuscaloosa shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the Corporate Limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to

the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Tuscaloosa, Alabama, shall have authority, after notice as provided herein, to remove or demolish buildings and structures, or parts of buildings and structures, party walls and foundation, located within the Corporate Limits of the City, when the same are found by the governing body of the City to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community. The authority herein granted shall expressly not include buildings, structures, etc. outside of the Corporate Limits, but within the Police Jurisdiction of the City.

Section 2. The term "appropriate city official" as used in this Act shall mean any city official or city employee designated by the mayor or other chief executive officer of the City of Tuscaloosa as the person to exercise the authority and perform the duties delegated by this Act to the "appropriate city official." Whenever the appropriate city official of such city shall find that any building, structure, part of building or structure, party wall or foundation, situated in such city, is unsafe, dangerous, offensive or injurious to public health, comfort or welfare of the community to the extent that it is a public nuisance, and the person or persons, firm, association, or corporation last assessing the property for State taxes is a resident of or has its principal place of business in the city, such official shall give such person, firm, association or corporation, a copy of said notice to remedy the unsafe or dangerous condition of such building or structure, or to demolish the same within a reasonable time set out in said notice, which time shall not be less than sixty (60) days or suffer such building or structure to be demolished by the city and the cost thereof assessed against the property. In the event that such personal service is returned "Not Found," after not less than two attempts, such notice may be given by registered or certified mail. The mailing of such registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. In the event the person or persons, firm, association, or corporation, last assessing the property for State taxes, is not a resident of or does not have its principal place of business located in the city, such notice shall be published once a week for two consecutive weeks in some newspaper published in said city, a copy of such notice shall also be sent by registered or certified mail to the person, firm, association or corporation, last assessing the property for State taxes. The mailing of such

registered mail notice, properly addressed and postage prepaid, shall constitute notice as required herein. Notice of such order, or a copy thereof, prior to the delivery or mailing of the same as required by the immediately preceding sentence, shall also be posted at or within three feet of an entrance to the building or structure, provided that if there is no entrance such notice may be posted at any location upon such building or structure.

Section 3. Within the time specified in such notice, but not more than sixty (60) days from the date such notice is given, any person, firm or corporation having an interest in such building or structure may file a written request for a hearing before the city governing body, together with his objections to the finding by the appropriate city official. The filing of such request shall hold in abeyance any action on the finding of the city official until a hearing and determination thereon is made by the governing body of the city. Upon holding such hearing, which hearing shall be held not less than ten (10) nor more than sixty (60) days after such request, or in the event no hearing is timely requested, the governing body, after the expiration of sixty (60) days from the date such notice is given, shall determine whether or not such building or structure is unsafe, dangerous, offensive or injurious to the public health, comfort or welfare of the community. Notice of such meeting of the governing body, and that such determination will be made thereat, shall be published one time in a newspaper of general circulation in the city, not less than (10) days prior thereto. In the event that such finding is made by the governing body, the governing body shall order such building or structure to be demolished. Such demolition may be accomplished by the city by the use of its own forces, or it may provide by contract for such demolition. The city shall have authority to sell or otherwise dispose of salvaged materials resulting from such demolition.

Any person aggrieved by the decision of the governing body at such hearing may, within fifteen (15) days thereafter, appeal to the Circuit Court upon filing with the clerk of said court notice of said appeal and upon paying filing fees and giving bond for security on costs in the form and amount to be approved by the Circuit Clerk. Upon filing of said notice of appeal and approval of the bond, the clerk of the court shall serve a copy of said notice of appeal on the city clerk and said appeal shall be docketed in said court, and shall be a preferred case therein. The city clerk shall, upon receiving such notice, file with the Circuit Clerk a copy of the findings and determination of the governing body in proceedings, and trial shall be held without jury upon the determination of the governing body that such building or structure is unsafe to the extent that it is a public nuisance.

Section 4. Upon demolition of such building or structure, the appropriate city official shall make report to the governing body of the cost thereof, and such governing body shall adopt a resolution fixing the costs which it finds were reasonably incurred in such demolition and assessing the same against the property; provided, however, the proceeds of any monies received from the sale of salvaged materials from said building or structure shall be used or applied against the cost of the demolition; and provided, further, that any person, firm or corporation having an interest in said property may be heard at such meeting as to any objection he may have to the fixing of such costs or the amounts thereof. The city clerk of such city shall give not less than fifteen (15) days notice of the meeting at which the fixing of such costs are to be considered by publication in a newspaper of general circulation in such city of a notice that the governing body of such city at such meeting will consider the fixing of such costs thereat. The fixing of said costs by the governing body which shall include costs of demolition and legal advertising shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and thus made and confirmed shall constitute a lien on said property for the amount of such assessment. Said lien shall be superior to all other liens on said property except liens for taxes, and shall continue in force until paid. The city clerk of the city shall mail a certified copy of the resolution by registered or certified mail to the person last assessing the property for taxes, and a certified copy of such resolution shall be published in the manner and as prescribed for the publication of municipal ordinances, and a certified copy of such resolution shall also be filed in the office of the Judge of Probate of the county in which such city is situated.

Section 5. The city shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the non-payment of taxes, and where any such assessment is made against such lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the State, shall not operate to discharge, or in any manner affect the lien of such city for such assessment, but any redemptioner or purchaser at any sale by the State of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the State for the non-payment of taxes, shall take the same subject to such assessment.

Section 6. Payment of any such assessment shall be made in the manner and as provided for the payment of municipa!

improvement assessments in the provisions of Title 11-48-48, Code of Alabama, 1975, as the same has heretofore or may hereafter be amended, and upon the property owner's failure to pay such assessment the officer designated by the city to collect such assessments shall proceed to collect the assessment as provided in the provisions of Section 11-48-49 through 11-48-53, Code of Alabama, 1975.

Section 7. This Act shall be cumulative in its nature, and in addition to any and all power and authority which any such city may have under any other law.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the part that remains.

Section 9. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1979

Time: 7:30 P.M.

Act No. 79-423

H. 347—Turnham

AN ACT

To regulate the private practice of counselors in Alabama; to create a Board of Examiners in Counseling; to prescribe the duties and powers of said Board; to provide for the licensure of counselors and the certification of counselor associates; to fix penalties for the violation of this Act; to impose licensure and certification fees and to provide for the use of funds received.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a Board to be known as the Alabama Board of Examiners in Counseling composed of seven (7) members, appointed by the Governor of this State within sixty (60) days after the effective date of this Act, in the manner and for the term of office as hereinafter provided. Said Board shall perform such duties and have such powers as the Act prescribes and confers upon it.

Section 2. As used in this Act, unless the context requires a different meaning:

(a) "Licensed Professional Counselor" shall mean any person who holds himself out to the public by any title or description of

services incorporating the words "Licensed Professional Counselor" or "Licensed Counselor"; and who offers to render professional counseling services in private practice to individuals, groups, organizations, corporations, institutions, government agencies, or the general public for a fee, monetary or otherwise, implying that he is licensed and trained, experienced, or expert in counseling, and who holds a current, valid license to engage in the private practice of counseling, with the exception of those practitioners listed in Section 3 of this Act.

(b) "Counselor Associate" shall mean any person that has been certified by the Board to offer counseling services as defined in the Act while under the supervision of a licensed professional counselor.

(c) "Board" shall mean the Alabama Board of Examiners in Counseling.

(d) "Counseling Services" shall mean those acts and behaviors coming within the "Practice of Counseling" as defined in this Act.

(e) The "Private Practice of Counseling" shall mean rendering or offering to individuals, groups, organizations, or the general public counseling services, in private practice, for a fee, monetary or otherwise, involving the application of principles, methods, or procedures of the counseling profession which include, but are not restricted to:

1. "Counseling" which means assisting an individual, through the counseling relationship, to develop understanding of personal problems, to define goals, and to plan action reflecting his or her interests, abilities, aptitudes, and needs as these are related to personal-social concerns, education progress, and occupations and careers.

2. "Appraisal activities" which means selecting, administering, scoring, and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests, and personal characteristics, but shall not include the use of projective techniques in the assessment of personality.

3. "Counseling, guidance and personnel consulting" which means interpreting or reporting upon scientific fact or theory in counseling, guidance, and personnel services to provide assistance in solving some current or potential problems of individuals, groups, or organizations.

4. "Referral activities" which means the evaluating of data to identify problems and to determine advisability of referral to

other specialists.

5. "Research activities" which means the designing, conducting, and interpreting of research with human subjects.

Section 3. Nothing in this Act shall be construed to apply to:

(a) The activities, services, and use of an official title on the part of a person employed as a counselor or by any federal, state, county, or municipal agency; public or private educational institution; medical personnel in a clinic; law practice; or licensed private employment agencies, provided such persons are performing counseling or counseling-related activities within the scope of their employment.

(b) The activities and services of a student, intern, or trainee in counseling pursuing a course of study in counseling in a regionally accredited institution of higher learning or training institution, if these activities and services constitute a part of the supervised course of study, provided that such person be designated a "counselor intern."

(c) The activities and services of a nonresident person rendered not more than thirty (30) days during any year, provided such person is duly authorized to perform such activities and services under the laws of the state or county of his residence.

(d) The activities and services of qualified members of other professions, such as physicians, psychologists, psychoanalysts, registered nurses, social workers, or recognized religious practitioners performing counseling consistent with the laws of the state, their training, and any code of ethics of their professions, provided they do not represent themselves by any title or description in the manner prescribed in Section 2 of this Act.

(e) The activities, services, titles and descriptions of qualified members of the law profession.

(f) The activities, services, titles and descriptions of persons employed, as professionals or as volunteers, in the practice of counseling for public and private non-profit organizations or charities.

Nothing in this Act shall be construed as permitting counselors licensed under this act to administer or prescribe drugs, or in any manner engage in the practice of medicine as defined by the laws of this State.

Nothing in this Act shall be construed as permitting a counselor licensed under this Act to represent himself in any

manner to the public as an attorney as defined by the laws of this State.

Nothing in this Act shall be construed as permitting a counselor licensed under this Act to represent himself in any manner to the public as a psychologist as defined by the laws of this State.

Lecturers from any school, college, agency or training institution may utilize an academic or research title when invited to present lectures to institutions or organizations.

Section 4. There is hereby created an Alabama Board of Examiners in Counseling hereinafter referred to as the Board to consist of seven (7) members who shall be appointed by the Governor under the conditions hereinafter set forth.

Within thirty (30) days from the effective date of this Act, the Executive Committee of the Alabama Personnel and Guidance Association shall submit to the Governor a list of qualified candidates for the board; said list shall contain names of at least four (4) citizens from the general public; four (4) qualified counselor educators; and six (6) qualified practicing counselors from which the Governor, within sixty (60) days, will select the Board consisting of two (2) citizens from the general public; two (2) counselor educators; and three (3) counselors in private practice. A minimum of one of those counselors must be a marriage and family counselor certified by American Association of Marriage and Family Therapists.

The initial appointments to the Board shall be for the following terms: The term of two (2) members is one (1) year, the term of two (2) members is two (2) years, the term of three (3) members is three (3) years.

The professional membership of the Board authorized under this section shall be licensed under this Act, except that the initial professional members shall be members who have been rendering the private practice of counseling services for at least one (1) year, or who have been giving instruction in counseling in a regionally accredited institution of higher learning for at least three (3) years.

Said Board shall perform such duties and exercise such powers as this Act prescribes and confers upon it. No member of the Board shall be liable to civil action for any act performed in good faith for the performance of his duty as set forth in this act.

Board members shall be ineligible for reappointment for a period of three (3) years following completion of their terms.

Subsequent appointments to the Board shall be made by the Governor in the following manner: Not later than October 1 of each year the Executive Committee of the Alabama Personnel and Guidance Association shall submit to the Governor the names of two (2) qualified candidates for the position on the Board to be vacated by reason of expiration of term of office. From the two (2) candidates the Governor shall appoint one (1) member not later than January 1 to serve on the Board for a term of five (5) years. Other vacancies occurring in the Board shall be filled for the unexpired term by appointment of the Governor from two (2) candidates for each such vacancy submitted within thirty (30) days after the vacancy occurs the Executive Committee of the Alabama Personnel and Guidance Association. Such appointments shall be made within thirty (30) days after the candidates' names have been submitted. Any Board members may be removed by the Governor, after notice and hearing, for incompetence, neglect of duty, malfeasance in office, or moral turpitude. Composition of the Board shall always consist of two (2) citizens, two (2) counselor educators, and three (3) counselors in private practice. Appointments to the Board shall represent the difference in gender, racial, and ethnic origins and the different levels of graduate and professional degrees and specialty represented in the Alabama Personnel and Guidance Association, though not all such differences necessarily will be reflected at the same time in Board membership. A college or university shall have only one representative, faculty or staff, as a member of the Board at any one time.

Immediately and before entering public duties of said office, the members of the Board shall take the Constitutional oath of office and shall file same in the office of the Governor, who upon receiving said oath of office shall issue to each member a certificate of appointment. The Board shall have available for the Governor or his representative detailed reports on proceedings and shall make annual reports in such form as required by the Governor.

Section 5. The Board shall elect annually a Chairman and a Vice Chairman. Each member shall receive all necessary expenses incident to holding meetings plus an honorarium approved by the Governor provided, however, that such expenses shall in no case exceed funds available to the Board. The Board shall hold at least one (1) regular meeting each year. Additional meetings may be held at the discretion of the Chairman or at the written request of any three (3) members of the Board. Said Board shall adopt a seal which must be affixed to all licenses and certificates issued by the Board. The Board shall from time to time adopt such rules, and regulations, as they may deem necessary for the performance of

their duties. Four (4) members of the Board shall be empowered to accept grants from foundations and institutions to carry on its functions.

Section 6. All fees from applicants seeking licensing or certification for private practice under this Act, and all license, certificate, or renewal fees received under this Act shall be paid to said Board. No part of any fee shall be returnable under any conditions other than failure of the Board to hold examinations at the time originally announced, whereupon the entire fee may be returned at the option of the candidate. All fees collected in this manner plus renewal fees and all gifts or grants shall be deposited in the State Treasury to the credit of the Board. There is hereby appropriated from the Treasury funds to the credit of said board to be used for printing, travel expenses of the Board, and for other necessary expenses such as are necessary to the carrying out of the provisions of this Act. Expenses shall be paid under the written direction of the Chairman of the Board in accordance with normal State procedure.

The board is required to charge an application fee to be determined by the Board.

Every licensed professional counselor or certified counselor associate engaging in private practice in this state is required to pay biennially to the Board during the month of July a renewal fee to be determined by the Board. The Chairman thereupon shall issue a document renewing his license or certificate for a term of two (2) years. The license or certificate of any counselor who fails to have his license or certificate renewed biennially during the month of July shall lapse; the failure to renew said license or certificate, however, shall not deprive said counselor or counselor associate of the right of renewal thereafter. Such lapsed license or certificate may be renewed within a period of two (2) years after such upon payment of fees in arrears, or thereafter, upon payment of a renewal fee to be determined by the Board.

Section 7. The Board shall issue a license as a licensed professional counselor to each applicant who files an application upon a form and in such a manner as the Board prescribes, accompanied by such fee as is required in this Act, and who furnishes satisfactory evidence of the following to the Board:

- (a) the applicant is at least nineteen (19) years of age;
- (b) the applicant is a citizen of the United States or has declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application, is sufficient proof of compliance with this requirement;
- (c) the applicant is of good moral character;
- (d) the applicant resides in the State of Alabama;
- (e) the applicant is not in violation of any of the provisions of this Act and the rules and regulations adopted hereunder;
- (f) the applicant has received a master's degree from a regionally accredited institution of higher learning which is primarily professional counseling in content based on not less than thirty (30) graduate semester hours, or the substantial equivalent in both subject matter and extent of training. The Board shall use the standards of nationally recognized professional counseling associations as guides in establishing the standards for counselor licensure.
- (g) the applicant has three (3) years of supervised full-time experience in professional counseling acceptable to the Board, one (1) year of which may be obtained prior to the granting of the master's degree. An applicant may subtract one (1) year of the required professional experience for every fifteen (15) graduate semester hours obtained beyond the master's degree, provided that such hours are clearly related to the field of professional counseling and are acceptable to the Board. However, in no case may the applicant have less than one (1) year of the required professional experience;
- (h) the applicant demonstrates competence in professional counseling by passing an examination, written, oral, or situational, or all three (3), as the Board will prescribe. A specialty designation may be added upon demonstration to the Board that the applicant has met the recognized minimum standards as established by nationally recognized certification agencies. Upon successful passage of an examination, written, oral, or situational, or all three (3), and upon receipt of credentials from certifying agencies the Board may, by a majority of the Board members present and voting, consider such credentials adequate evidence of professional

competence and recommend to the Chairman of the Board that a license with appropriate specialty designation, if any, be approved. A professional counselor cannot claim or advertise a counseling specialty unless the qualifications of that specialty have been met and have been approved by the Board.

Section 8. The Board shall issue a certificate as a counselor associate to each applicant who files an application upon a form and in such manner as the Board prescribes accompanied by such fees as are required by this Act, and who furnishes satisfactory evidence of the following to the Board:

(a) the applicant has complied with provisions outlined in Section 7 (a), (b), (c), (d), and (e) of this Act;

(b) the applicant has received a master's degree from a regionally accredited institution of higher learning based on a program of studies which is primarily professional counseling in content, or the substantial equivalent in both subject matter and extent of training. The counselor associate may not practice without direct supervision by a licensed professional counselor. The plan for supervision of the counselor associate is to be approved by the Board prior to any actual performance of counseling on the part of the counselor associate;

(c) any certified counselor associate after meeting the requirements specified in Section 7(g) and 7(h) may petition the board for licensure as a professional counselor.

Section 9. After investigation of the application and other evidence submitted, the Board shall not less than thirty (30) days prior to the examination, notify each applicant that the application and evidence submitted is satisfactory and accepted or unsatisfactory and rejected. If rejected, said notice shall state the reasons for such rejection.

Section 10. The place of examination shall be designated in advance by the Board, and such examination shall be given annually at such time and place and under the supervision as the Board may determine, and specifically at such other times as in the opinion of the Board the number of applicants warrants.

Section 11. The examination shall require that the applicant demonstrate his knowledge and application thereof in those areas deemed relevant to his specialty and those services he intends to offer to the public.

Section 12. The Board shall grade the examination and recommend to the Chairman action to be taken. To insure

impartiality, written examination documents shall be indented by number, and no paper shall be marked in the name of any applicant but shall be anonymously graded by the Board. In the event an applicant fails to receive a passing grade on the entire examination, he may reapply and shall be allowed to take a subsequent examination. An applicant who has failed two (2) successive examinations may not reapply until after two (2) years from the date of the last examination, or has satisfactorily completed fifteen (15) graduate semester hours in the applicant's weakest portion of the examination.

Section 13. The Board is required to preserve examination materials and an accurate transcript of the questions and answers to an examination, and the grade assigned to each answer thereof, as part of its records for a period of two (2) years following the date of examination.

Section 14. Counselors licensed as a professional counselor or certified as a counselor associate by the Board shall be required to submit biennially at the time of renewal a license or certificate renewal fee to be established by the Board. No license or certificate shall be renewed unless the renewal request is accompanied by evidence satisfactory to the Board of the completion during the previous twenty-four (24) months of relevant professional and continued educational experience. The relevant experience required shall be sent in writing to all licensed and certified counselors one (1) year prior to the renewal dates.

If any professional counselor or counselor associate duly licensed or certified under this Act, by virtue of additional training and experience, is qualified to practice in a specialty other than that for which he was deemed competent at the time of initial licensing, or certification, and wishes to offer such service under the provisions of this Act, he is required to submit at the time of annual renewal of licenses or certificates, additional credentials and he is to be given the opportunity to demonstrate his knowledge and application thereof in areas deemed relevant to his specialty. This procedure is considered a necessary part of the renewal process. No charge in addition to the renewal fee is levied.

Section 15. Upon application accompanied by fee the Board is authorized to issue a license or certificate to any person who furnishes upon a form and in such manner as the Board prescribes, evidence satisfactory to the Board that he is licensed as a professional counselor or certified as a counselor associate by another state, territorial possession of the United States, District of Columbia or Commonwealth of Puerto Rico if the requirements for

such licensure or certification are substantially equivalent to those of this Act.

Section 16. The Board by a majority of the Board members present and voting is authorized to withhold, deny, revoke or suspend any license or certificate issued or applied for in accordance with the provisions of this Act or otherwise discipline a licensed professional counselor or certified counselor associate upon proof by proper hearing that the applicant, licensed professional counselor or certified counselor associate:

(a) has been convicted, within or without the jurisdiction of this state, of a felony or any offense involving moral turpitude, the record of conviction being conclusive evidence thereof;

(b) has violated the current code of ethics adopted by the Board;

(c) is using any narcotic or any alcoholic beverage to an extent or in a manner dangerous to any other person or the public, or to an extent that such impairs his ability to perform the work of a professional counselor or counselor associate with safety to the public;

(d) has impersonated another person holding a professional counselor license or counselor associate certificate or allowed another person to use his license or certificate;

(e) has used fraud or deception in applying for a license or certificate or in taking an examination provided for in this Act;

(f) has allowed his name or license or certificate issued under this Act to be used in connection with any person or persons who perform counseling services in private practice outside the area of their training, experience or competence;

(g) is legally adjudicated mentally incompetent, the record of such adjudication being conclusive evidence thereof; or

(h) has willfully or negligently violated any of the provisions of this Act.

Notice of denial, revocation, suspension, or disciplinary action is required to be sent by registered mail or personal service setting forth the particular reasons for the proposed action and fixing a date not less than thirty (30) days nor more than sixty (60) days from the date of such mailing or such service, at which time the applicant, licensee or associate shall be given an opportunity for a prompt and fair hearing. The written notice shall be sent to the person's last known address, but the nonappearance of the person

shall not prevent such a hearing. The hearing shall be conducted by the Board by means of sworn, recorded testimony. Parties have the right to be represented by counsel and to conduct cross-examination of witnesses.

On the basis of any hearing or upon default of applicant, licentiate, or associate, the Board shall make a determination specifying its findings of fact and conclusions of law. A copy of such determination shall be sent by registered mail or served personally upon the applicant, licentiate, or associate. The decision of the Board denying, revoking, or suspending the license or certificate shall become final thirty (30) days after so mailed or served unless within said period the applicant, licentiate, or associate appeals the decision to the courts of this State in the same manner and subject to the same powers and conditions as now provided by law in regard to rulings, orders and findings of other quasi-judicial bodies in Alabama, where not otherwise specifically provided. No such appeal while pending appropriate court action shall supersede such denial, revocation or suspension. All proceedings and evidence, together with exhibits presented at such hearings before the Board in the event of appeal, are admissible in evidence in said court.

Every order and judgment of the Board shall take effect immediately on its promulgation unless the Board in such order or judgment fixes a probationary period for applicant, licentiate, or associate. Such order and judgment shall continue in effect unless upon appeal the courts by proper order or decree terminate it earlier. The Board may make public its order and judgments in such manner and form as it deems proper.

The Board is authorized to suspend the license of a professional counselor or the certificate of a counselor associate for a period of not exceeding one (1) year. At the end of this period, the Board is required to reevaluate the suspension and may recommend to the Chairman the reinstatement or revocation of the license or certificate. A person whose license or certificate has been revoked under the provisions of this section may apply for reinstatement after a period of not less than three (3) years from the date such denial or revocation is legally effective. The Board may, upon favorable action by a majority of the Board members present and voting, recommend such reinstatement.

Section 17. When it shall appear to the Board that any person has engaged or is about to engage in any act or practice constituting

a violation of any provision of this act or any rule or order hereunder, the Board in its discretion and in its own name may bring an action in any court of competent jurisdiction to enjoin such acts or practices, and to enforce compliance with this act or any rule or order hereunder, regardless of whether criminal proceedings have been or may be instituted. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted.

Within one (1) year from the effective date of this Act, if any person shall hold himself out to the public as a licensed professional counselor or use any title or description, as prescribed in Section 2(a) and 2(b), or if any person for a fee, monetary or otherwise shall engage in the "Private Practice of Counseling," as prescribed in Section 2(e), subsections 1, 2, 3, 4, 5, and shall not then possess in full force and virtue a valid license to engage in private practice as a professional counselor under the provisions of this Act, he shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

The Board and its members shall assist prosecuting officers in the enforcement of this Act, and it shall be the duty of this Board and its members to furnish the proper prosecuting officers with such evidence as it or they may ascertain to assist them in the prosecution of any violation of this act, and the Board is authorized for such purposes to make such reasonable expenditures from the funds of the Board as it may deem necessary to ascertain and furnish such evidence. The Attorney General of the State shall be the attorney of the Board, but the Board may in its discretion employ other counsel. It shall be the duty of the district attorney of the judicial circuit wherein any offense is committed to prosecute violations of this Act.

The Alabama Board of Examiners in Counseling shall have authority to administer oaths, to summon witnesses, and to take testimony in all matters relating to its duties. Said Board shall be the sole agency in this state empowered to certify concerning competence in the private practice of counseling, and the sole Board empowered to license for the private practice of counseling.

The Alabama Board of Examiners in Counseling shall license to engage in private practice all persons who shall present satisfactory evidence of attainments and qualifications under provisions of this Act and the rules and regulations of the Board. Such licensure shall be signed by the Chairman of the Board of Examiners in Counseling under the Board's adopted seal.

Section 18. For the purpose of this Act, the confidential

relations and communications between licensed professional counselor or certified counselor associate and client are placed upon the same basis as those provided by law between attorney and client, and nothing in this Act shall be construed to require any such privileged communication to be disclosed.

Section 19. The Alabama Board of Examiners in Counseling shall adopt a Code of Ethics to govern appropriate practice or behavior as referred to in Section 16 and Section 17 and shall file such code with the Secretary of State within thirty (30) days prior to effective date of such code.

Section 20. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 21. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 22. For a period of one year from the effective date of this Act the Board shall waive the requirements of Section 7(f), 7(g), and 7(h), and shall grant the appropriate license upon payment of the required fee to any person submitting an application for licensure to the Board who is qualified by experience to practice counseling, and who has engaged in such private practice of counseling as of the effective date of this Act.

Section 23. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1979

Time: 7:30 P.M.

Act No. 79-424

H. 65—Adams (H), Whatley

AN ACT

To prescribe a procedure for complaints, investigations, findings and recommendations for payment of damages where purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds suffer damages as a result of such seed not being in compliance with legal requirements which govern the sale thereof or where the seed fail to perform as represented; to create and establish an investigation and arbitration committee for this purpose and to prescribe its powers, duties and authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose and Intent. The intent and purpose of this Act is to provide a method for assisting farmers and other seed

purchasers and seed dealers to determine the validity of complaints of such seed purchasers against seed dealers relating to the quality of the seed by establishing a committee to investigate and make findings and recommendations in the nature of arbitration proceedings where damages are suffered by such seed purchasers caused by the failure of any agricultural, vegetable, flower, tree, shrub and herb seeds to perform as represented, or to conform to the description on the labeling thereof as required by the State Seed Law. The meaning of words and terms as used in this Act shall, where applicable, be construed to conform to the meaning of such words and terms as same are defined in § 2-26-1 of the Code of Alabama 1975.

Section 2. Complaints, Investigations and Findings. Any farmer, or other purchaser of agricultural, vegetable, flower, tree and shrub or herb seeds purchased for planting purposes who believes that he has been damaged by the failure of the seed to perform as represented, or to conform to the description on the labeling attached thereto or accompanying such seed as required by the State Seed Law appearing in Title 2, Chapter 26 (§ 2-26-1 through 2-26-14) of the Code of Alabama 1975, and rules and regulations promulgated thereunder, may make a sworn complaint against the seed dealer from whom such seed were purchased. The complaint shall allege the failure of the seed to perform or to conform to legal requirements and the damages sustained or to be sustained by him. The complaint shall be filed with the Commissioner of Agriculture and Industries within ten (10) days after the alleged defect or violation becomes apparent. The seed purchaser shall also mail a copy of said complaint to the dealer from which the seed were purchased by United States registered or certified mail. A filing fee of ten dollars (\$10.00) shall be paid to the Commissioner of Agriculture and Industries with each complaint filed which shall be deposited to the credit of the agricultural fund of the state treasury. Within ten (10) days after receipt of a copy of the complaint, the seed dealer shall file with the Commissioner of Agriculture and Industries an answer thereto and forward a copy of same to the purchaser of the seed by United States registered or certified mail. Any seed dealer against whom a complaint is filed hereunder or any seed purchaser filing a complaint may request an investigation and other action by the committee for the investigation and arbitration as hereinafter created. The Commissioner of Agriculture and Industries shall forthwith refer the complaint and the answer to said committee for its investigation, findings and recommendation of the allegations of the complaint. Where seed which are the basis of a complaint are labeled by a person other than a seed dealer who sells directly to the

farmer or other purchaser of seed, a copy of the complaint shall also be mailed by the Commissioner to the person responsible for the labeling of such seed in order that he may be entitled to file an answer. Upon receipt of such findings and recommendation, the Commissioner of Agriculture and Industries shall transmit the findings and recommendations of the committee to the farmer or other purchaser of the seed and to the seed dealer by United States registered or certified mail together with a copy thereof to any person responsible for the labeling of the seed.

Section 3. Committee, Duties, Investigation, Arbitration, Etc.--(1) There is hereby created and established a seed investigation and arbitration committee to be appointed by the Commissioner of Agriculture and Industries to consist of five (5) members. The members shall be appointed by the Commissioner of Agriculture and Industries upon the recommendation of each of the following: Dean and Director, School of Agriculture and Agricultural Experiment Station of Auburn University; Executive Committee of the Alabama Seedsmen's Association; President of the Alabama Farm Bureau Federation; State Board of Agriculture and Industries, and one member shall be appointed by the Commissioner of Agriculture and Industries. Each of these members may be represented by an alternate appointed by the Commissioner of Agriculture and Industries, upon the recommendation of the recommending authority or on recommendation of the committee member when such authority has been vested in the committee member by the recommending authority. Each member shall continue to serve on the committee until a replacement has been recommended by one of the above named organizations, agencies, or officials authorized to make such recommendations or appointments, at which time the Commissioner of Agriculture and Industries shall appoint a new member from those recommended. Each alternate shall serve only for the case in which he has been appointed and only one member shall represent each of the above organizations, agencies or officials authorized to make recommendations for appointment to the committee. The committee shall elect a chairman and a secretary from its membership. The committee chairman shall conduct all meetings and deliberations held by the committee and direct the other activities of the committee. The secretary shall keep accurate and correct records on all meetings and deliberations and perform any other duties for the committee as directed by the chairman. The committee shall be known as the Seed Investigation and Arbitration Committee.

(2) The duties of the Seed Investigation and Arbitration

Committee shall be to assist farmers and other purchasers of agricultural, vegetable, flower, tree, shrub, and herb seeds and seed dealers to ascertain and determine the validity of complaints made by seed purchasers against seed dealers and recommend the settlement and payment of monetary damages by seed dealers where such damages result from the failure of the seed to perform as represented or to conform to the description of the labeling on or accompanying the seed or seed containers. The committee may be called into session by the Commissioner of Agriculture and Industries at his discretion or upon the direction of the Chairman or a majority of the committee members to consider complaints and other matters referred to it by the Commissioner of Agriculture and Industries.

(3) When the Commissioner of Agriculture and Industries refers a complaint by a farmer or other seed purchaser to the Seed Investigation and Arbitration Committee, said committee shall make a full and complete investigation of the matters complained of and at the conclusion of said investigation report its findings with its recommendations and file same with the Commissioner of Agriculture and Industries. The purchaser of the seed and the seed dealer shall upon request of either party be entitled to a hearing before the committee before any findings and recommendations are made. Notice of the date, time and place of the hearing shall be given to both parties. In conducting its investigation the committee or any member or members thereof is authorized to investigate the farmer or other purchaser's complaint and the farming or growing operation involved in the complaint and the seed dealer's sales, packaging, labeling, storage or processing operation relating to the seed alleged to be faulty. The investigation shall be conducted in a manner prescribed by the committee. The committee, or any member thereof, in the performance of its duties is authorized to enter upon any public or private premises during regular business hours in order to have access to seed and records of the sale and purchase thereof for examination and review as authorized under the provisions of § 2-26-10(b) and (d) of the Code of Alabama 1975, when necessary to perform its duties required under this Act. Any person who hinders, obstructs or refuses entry, access or review of such records shall be guilty of a violation of § 2-26-11(b)(3) and 2-26-13 of the Code of Alabama 1975. The committee shall be authorized to grow to production a representative sample of the alleged faulty seed through the facilities of the State, or Auburn University, under the supervision of the Commissioner of Agriculture and Industries or his authorized agent when such action is deemed necessary; also, to hold hearings at a time and place directed by the chairman of the committee upon reasonable

notice to the farmer or other purchaser of seed and the seed dealer and to prescribe and promulgate rules of procedure to carry out the evident intent and purpose of this Act. Any investigation made by less than the whole membership of the committee shall be conducted by authority of a written directive by the chairman or by rules of procedure adopted by the committee. Investigations shall be summarized in writing and considered by the committee in a report of its findings and recommendations.

(4) The members of the committee shall receive no compensation for the performance of their duties, but shall be reimbursed for travel expenses incurred in the performance of their duties in the same manner and at the same rate paid to State employees for travel expenses when such members attend meetings or perform other required duties which shall be paid from funds appropriated or available to the Department of Agriculture and Industries upon approval of the Commissioner.

Section 4. Recommendations Relating to Damages.--The findings or recommendations of the committee shall be in the nature of arbitration or settlement, but its findings and recommendations shall not affect the rights of parties to resort to any arbitration proceedings available under authority of Chapter 6 (§ § 6-6-1 through 6-6-16) of Title 6 of the Code of Alabama 1975 or as may be otherwise provided by law, nor shall any of the provisions of this Act effect any legal or equitable rights that any person may have in a court having jurisdiction of such matters nor shall the findings or recommendations of the committee be admissible as evidence in any court of law. It is the intent and purpose of this Act to provide a simplified procedure for investigations and recommendations for monetary settlements as declared in Section 1 hereof.

Section 5. Severability.--The provisions of this Act are severable. If any part thereof is declared unconstitutional, such declaration shall not affect the part that remains.

Section 6. Effective Date.--This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1979

Time: 8:00 P.M.

Act No. 79-425

H. 66—Pegues, Dial, McKee,
Naramore, Sasser

AN ACT

To amend Section 9-17-24 of the Code of Alabama 1975, so as to provide for the deposit of the oil and gas well permit fees into the state general fund; to provide for the transfer of all funds in the state treasury to the credit of the oil and gas fund to the credit of the general fund; and to provide for the abolition of the oil and gas fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-17-24 is hereby amended to read as follows:

“§ 9-17-24. Any person desiring or proposing to drill any well in search of oil or gas, before commencing the drilling of any such well, shall notify the state oil and gas supervisor upon such form as the state oil and gas supervisor may prescribe and shall pay to the state treasurer a fee of \$250.00 for each such well. The drilling of any well is hereby prohibited until such notice is given and such fee has been paid as herein provided. The state oil and gas supervisor shall have the power and authority to prescribe that the said form indicate the exact location of such well, the name and address of the owner, operator, contractor, driller, and any other person responsible for the conduct of drilling operations, the proposed depth of the well, the elevation of the well above sea level and such other relevant information as the state oil and gas supervisor may deem necessary or convenient to effectuate the purposes of this article. All funds paid to the state treasurer pursuant to the provisions of this section shall be paid into the general fund.”

Section 2. Any unexpended or unencumbered funds remaining in the state treasury to the credit of the oil and gas fund on September 30, 1979, after the payment of all appropriations provided by law, shall be transferred into the general fund in the state treasury. Thereafter, the oil and gas fund in the state treasury shall be abolished.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1979

Time: 8:00 P.M.

Act No. 79-426

H. 67—Pegues

AN ACT

To abolish the Board of Corrections and transfer all powers, authority and responsibilities therefor to the governor to enable him to exercise a direct and effective control over the penal and correctional institutions of this state; to provide that such responsibilities and certain authorities may be transferred to other individuals or to any board formed by the governor; to repeal conflicting laws and specific statutes pertaining to the board of corrections, and any inconsistencies contained in Title 14, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. All duties, responsibilities, authority, power, assets, liabilities, property, funds, appropriations, contractual rights and obligations, property rights and personnel, whether accruing or vested, by operation or by law and which are not in conflict with this Act and which are presently vested in the board of corrections under Title 14, Chapters 1 through 12 of the Code of Alabama 1975, as amended, and by any other laws or parts of laws of this state, are hereby vested in the governor of the State of Alabama.

Section 2. Effective October 1, 1979, the board of corrections of the State of Alabama is hereby abolished and all rights, all duties, responsibilities, power, assets, liabilities, contractual rights and obligations and property rights, whether accruing or vested in the abolished agency, are hereby vested in the governor of the state of Alabama.

Section 3. All functions and duties of the department shall be exercised by the governor, acting by himself or by and through such administrative divisions or such officers or employees or individuals as he may designate. The governor is hereby further authorized to set the salary of such individual or individuals and make one such person responsible to him as administrator of the corrections institutions throughout this state. The governor is further authorized to set the salary of such administrator at the same level of any cabinet officer or at a reasonable level in excess thereof. Any administrator shall have the authority and the duties which the governor may designate and all of the power and authority incident to carrying out the functions and duties assigned.

Section 4. All laws or parts of laws whether local, special or general in conflict with this Act are hereby specifically repealed to the extent that they are inconsistent or directly conflict with provisions of this Act.

Section 5. Specifically, all laws or parts of laws in Title 14, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, which are inconsistent with or directly in conflict with the provisions of this Act are repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective on October 1, 1979, except as otherwise herein provided.

Approved July 19, 1979

Time: 8:05 P.M.

Act No. 79-427

H. 135—Carothers, Hines, Gafford,
Williams

AN ACT

To amend Section 34-9-8, Code of Alabama 1975, by requiring that teaching permits be issued annually by the board and by increasing the fee for issuance of said permits to an amount not less than \$5.00 nor more than \$50.00; amends Sections 34-9-10, Code of Alabama 1975, by deleting the requirement of being a citizen of the United States, and by increasing the application for license fee to an amount not less than \$50.00 nor more than \$200.00; amends Section 34-9-15, Code of Alabama 1975, by increasing the annual registration fee to an amount not less than \$10.00 nor more than \$50.00; amends Section 34-9-16, Code of Alabama 1975, by increasing the examination fee for dental applicants to an amount not less than \$25.00 nor more than \$200.00, by increasing the examination and training permit fee for dental hygienists to an amount not less than \$20.00 nor more than \$180.00, by increasing the license certificate fee to \$20.00, by increasing the annual registration certificate fee to an amount not less than \$10.00 nor more than \$50.00, and by increasing the teaching permit fee to an amount not less than \$5.00 nor more than \$50.00; amends Section 34-9-26, Code of Alabama 1975, by increasing the examination fee for dental hygienists to an amount not less than \$20.00 nor more than \$180.00 and by increasing the license certificate fee to \$20.00, and by deleting the requirement of being a citizen of the United States of America; and amends Section 34-9-41, Code of Alabama 1975, by increasing the compensation of the members of the Board of Dental Examiners of Alabama to an amount not less than \$25.00 nor more than \$150.00.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Section 34-9-8, Code of Alabama 1975, is hereby amended to read as follows:

"Section 34-9-8. The board shall issue teaching permits to persons who hold a dental degree where such persons are not licensed and registered to practice dentistry or dental hygiene in this state. The dean of a dental college located in this state shall be required to annually certify to the board the members of the school's clinical faculty who are not licensed and registered to practice dentistry or dental hygiene in the state and shall be required to promptly notify the board of any change in personnel on the clinical faculty. The board shall be required to issue teaching permits to applicants upon the certification of the dean of a dental college located in this state setting forth that such applicant is a bona fide member of the clinical faculty of such college. Such teaching permit shall be issued annually to those members of the school's faculty who are annually certified as individuals who are not licensed and registered to practice dentistry or dental hygiene in this State. Such teaching permit shall be invalid as soon as the holder thereof ceases to be a member of the clinical faculty of such dental college. The holder of a teaching permit shall be subject to all provisions of this chapter regulating the practice of dentistry and dental hygiene in this state and shall be entitled to perform all clinical operations which a person licensed to practice dentistry or dental hygiene in this state would be entitled to perform but only within the facilities of the dental college and as an adjunct to his teaching functions in such college. An annual fee of not less than \$5.00 nor more than \$50.00 shall be paid to the Board on the issuance of a teaching permit."

(b) Section 34-9-10, Code of Alabama 1975, is hereby amended to read as follows:

"Section 34-9-10. Every person who desires to practice dentistry within the state of Alabama shall file with the secretary-treasurer of the board his written application for a license, and furnish satisfactory proof that he is 19 years of age, of good moral character, and that he is a graduate of a dental school or college approved by the board. Such application must be upon the form prescribed and furnished by the board and verified by the oath of the applicant, accompanied by a fee to be determined by the board, but said fee shall not be less than \$25.00 nor more than \$200.00, and such application must contain a recent unmounted autographed photograph of the applicant. The board may issue a license without examination other than clinical to an applicant who furnishes

satisfactory proof that he is a graduate of a dental school approved by the board if such applicant holds a license under equal requirements to those of this state and has, for five consecutive years immediately prior to the filing of his application, been engaged in the legal and ethical practice of dentistry in a state or the District of Columbia of the United States and furnishes such other evidence as to his qualifications and lawful practice as the board may deem necessary. No license shall be issued under this section unless the state from which the applicant comes, or the District of Columbia, shall accord equal rights to licensed dentists of this state. The fee for issuing such reciprocal license shall be not less than \$50.00 nor more than \$100.00, to be determined by the board.

(c) Section 34-9-15, Code of Alabama 1975, is hereby amended to read as follows:

"Section 34-9-15. No person shall practice dentistry in the state of Alabama unless licensed by the board and registered annually as required by this chapter. The secretary-treasurer of the board shall mail to each such licensee an initial registration form which shall contain space for the insertion of his name, address, date and number of his license certificate, and such other information as the board shall deem necessary. The licensee shall sign and verify the accuracy of his registration before a notary public after which he shall forward said registration to the secretary-treasurer of the board together with a fee established by the board, said fee not to be less than \$10.00 nor more than \$50.00. Each subsequent registration shall be made upon the form as above prescribed except that it need not be verified. On or before October 1 of each year, every dentist licensed to practice dentistry in the state shall transmit to the secretary-treasurer of the board the completed form prescribed by the board, together with a fee established by the board, said fee not to be less than \$10.00 nor more than \$50.00, and receive therefor the current annual registration certificate authorizing him to continue the practice of dentistry in the state for a period of one year. Any license and license certificate previously granted under the authority of this chapter or any prior dental practice act shall automatically be suspended if the holder thereof fails to secure the annual registration certificate herein provided for before January 1 each year. Any dentist whose license shall be automatically suspended by reason of failure, neglect or refusal to secure the annual registration certificate shall be reinstated by the board upon payment of the penalty fee of \$25.00 plus all accrued annual registration fees up to a maximum of five years, accompanied with the prescribed form for annual registration of such license. Upon failure of any licensee to file

application for the annual registration certificate and pay the annual registration fee on or before November 30 each year, the board shall notify such licensee by registered or certified mail addressed to his last address of record that such application and fee have not been received and that, unless such application and fee are received on or before the first day of January, his license and license certificate shall be automatically suspended. The board shall notify such licensee by registered or certified mail addressed to his last address of record of the effective date of his automatic suspension and the provisions for registration of such license. The board shall waive the annual payment of fees herein provided for and issue a current annual registration certificate to any licensee who, because of age or physical disability, has retired from the practice of dentistry or who is suffering a malady of a lingering or permanent nature. The board by rule shall waive annual registration and the payment of fees while any licensee is on temporary active duty with any of the armed forces of the United States. The waiver of fees herein provided shall be effective so long as said retirement because of age or physical disability or temporary active duty continues.

(d) Section 34-9-16, Code of Alabama 1975, is hereby amended to read as follows:

“Section 34-9-16. The board shall collect fees provided for in this chapter as follows:

Examination fee for dental applicants, to be fixed by the board	\$25.00 to \$200.00
Examination for dental applicants under reciprocal agreements	\$50.00 to \$100.00
Examination and training permit fee for dental hygienists	\$20.00 to \$180.00
License certificate fee	\$20.00
Duplicate license certificate fee	\$20.00
Annual registration certificate fee	\$10.00 to \$50.00
Duplicate annual registration certificate fee	\$1.00
Teaching permit	\$5.00 to \$50.00

(e) Section 34-9-26, Code of Alabama 1975, is hereby amended to read as follows:

“Section 34-9-26. No person shall practice as a dental hygienist in this state until such person has passed an examination given by the board under such rules and regulations as it may

promulgate. The fee for such examination shall be not less than \$20.00 nor more than \$180.00, and the license certificate fee shall be \$20.00. The board shall issue licenses and license certificates as dental hygienists to those persons who have passed said examination and have been found qualified by the board. The license certificate and annual registration certificate shall be displayed in the office in which the dental hygienist is employed. No person shall be entitled to such license and license certificate unless such person is 19 years age and of good moral character. Each applicant for examination and license as a dental hygienist shall be a graduate of a school of dental hygiene which has been approved by the board or in lieu thereof shall have served at least one year as a dental assistant and shall have served at least one year as a dental hygienist trainee under a training permit issued by the board to a qualified dentist practicing in this state in accordance with the dental hygienist training program established by the board of dental examiners of Alabama. Any person practicing in violation of the provisions of this section shall be guilty of a misdemeanor, and the board may revoke or suspend his or her license for such violation."

(f) Section 34-9-41, Code of Alabama 1975, is hereby amended to read as follows:

"Section 34-9-41. The board shall annually elect from its membership a president, vice-president and secretary-treasurer and may employ a secretary who is not a member of the board, and it shall not be necessary that the secretary be a dentist. The board shall have a common seal. The board shall hold an annual meeting in Birmingham at the University of Alabama School of Dentistry as soon as practical after the graduation exercises of the dental school for the purpose of examining applicants for a license to practice dentistry and dental hygiene or at such other times and places as the board may designate for the purpose of transacting its business and examinations. Three members of the board shall constitute a quorum for the transaction of business at any meeting; except, that, in conducting hearings involving the suspension or revocation of licenses and examinations of licensure, five members of the board shall be present. In conducting examinations or hearings involving the suspension or revocation of licenses, a majority of the board may appoint any former member of the board and such other licensed practicing dentists who for such purposes shall have all the powers and privileges of such office as the regular board members possess. Out of the funds of the board the members thereof shall receive as compensation a sum to be fixed by the Board, said sum not to be less than \$25.00 nor more than \$150.00 per day and the necessary expenses for each day actively engaged in the duties of their office.

The secretary-treasurer shall receive such compensation as may be fixed by the board, which shall be in addition to his per diem and expenses, provided no per diem or expenses shall be allowed unless his duties require his absence from his office. The secretary shall receive such compensation as may be fixed by the board. The secretary-treasurer shall be custodian of all property, money, records and the official seal of the board. All money received by the board under this chapter shall be paid to and received by the secretary-treasurer of the board. The secretary-treasurer shall deposit to the credit of the board all funds paid to the board in a bank selected by its members. The board is authorized to expend such funds as shall be necessary to enforce the provisions of this chapter; to pay salaries, expenses and other costs herein provided; to promote the arts and science of dentistry; and for such other purposes as the board shall consider to be in the best interest of dentistry in this state. All the costs herein provided for shall be paid by checks drawn by the secretary-treasurer and countersigned by the president of the board. Should the property be other than money, the secretary-treasurer shall provide for the safekeeping thereof for the use of the board. All money, including license fees, annual renewal license certificate fees, examination fees and any and all other fees and receipts under the provisions of this chapter, are hereby appropriated to the board of dental examiners to be used as herein provided. On or before July 1, 1962, the board shall send a copy of this section to all licensed dentists in the state of Alabama."

Section 2. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision or portion of this Act is declared invalid or unconstitutional, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act.

Section 3. All laws or parts of law which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved July 19, 1979

Time: 8:05 P.M.

Act No. 79-428

H. 335—Bennett

AN ACT

To amend Section 5-19-1, Code of Alabama, 1975, which defines "creditor" as

used in Chapter 19 of Title 5 of the Code of Alabama, 1975, so as to make clear that all the provisions of Chapter 19 exclusively control the activities of credit unions on subjects dealt with by Chapter 19, and supersede any provisions of the credit union act in conflict therewith.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-19-1 of the Code of Alabama of 1975 is hereby amended to read as follows:

“Section 5-19-1. Definitions.

“For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

“(1) **FINANCE CHARGE.** Such term shall include all charges payable directly or indirectly by the debtor and imposed directly or indirectly by the creditor as an incident to the extension of credit, including interest, time price differential, points or discount paid directly by the debtor, service, carrying or other charge however denominated, loan fee credit or investigation fee, but not including permissible default or deferral charges, permissible attorney’s fees, court costs, and official fees and taxes, points or discount paid by someone other than the debtor or premiums for permissible insurance as provided by this chapter. For the purpose of determining the permissible finance charge, any discount or point paid by debtor in connection with a mortgage loan on real estate, even though paid at one time, shall be spread over the stated term of the loan or forbearance or credit sale.

“(2) **CONSUMER.** Such term, when used as an adjective with reference to a credit transaction, characterizes the transaction as one in which the party to whom credit is extended by loan, sale of property or services, lease or otherwise is a natural person and the money, property or services which are the subject of the transaction are primarily for personal, family, household or agricultural purposes.

“(3) **CREDITOR.** Such term refers only to creditors who regularly extend or arrange for the extension of credit for which the payment of a finance charge is required, whether in connection with loans, sales of property or services or otherwise. The provisions of this chapter apply to any such creditor irrespective of his or its status as a natural person or any type of organization. The provisions of this chapter shall exclusively control the permitted activities and restrictions of any state-chartered credit union or its officers and directors to the extent that this chapter permits or proscribes any conduct; the provisions of this chapter being

intended to preempt all existing legislation.

"(4) CREDIT SALE. Any sale with respect to which credit is extended or arranged by the seller. The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property or services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

"(5) OPEN END CREDIT PLAN. A plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be charged from time to time on an outstanding unpaid balance.

"(6) ADMINISTRATOR. The superintendent of banks of the state banking department.

"(7) SUPERVISOR OF THE BUREAU OF LOANS. The designated deputy administrator for the purpose of enforcing this chapter as to licensees.

"(8) HOME SOLICITATION SALE. A consumer credit sale of goods or services, other than farm equipment or motor vehicles, in which the seller or a person acting for him engages in a personal solicitation of the sale at a place other than the seller's place of business and the buyer's agreement or offer to purchase is there given to the seller or a person acting for him. Such term does not include a sale made pursuant to a preexisting open end credit plan, a closed end plan providing for a series of sales or a sale made pursuant to prior negotiations between the parties at the seller's place of business where goods or services are offered or exhibited for sale. (Acts 1971, No. 2052, p. 3290, Section 1.)"

Section 2. The provisions of this Act are cumulative to the provisions of Senate Bill No. 26, Regular Session 1979, previously passed by this session of the legislature, said bill being popularly known as the Interest Equalization Bill; it being the intention of this Act that credit unions continue to be authorized to charge the one percent per month interest rate authorized by Section 5-17-18 of the Code of Alabama 1975, as well as any other finance charge authorized by Senate Bill No. 26 (the Interest Equalization Act).

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1979

Time: 8:05 P.M.

Act No. 79-429

H. 137—Carothers, Hines, Howard,
Gafford, Williams

AN ACT

To amend Section 34-23-8 of the Code of Alabama 1975, to allow pharmacists to dispense lower cost generically equivalent drugs in lieu of prescribed brand name legend drugs under certain circumstances; and to prescribe penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 34-23-8 of the Code of Alabama, 1975, be and the same is hereby amended to read as follows:

§ 34-23-8 Substitution of drugs or brands of drugs.

No person shall dispense or cause to be dispensed a different drug or brand of drug in lieu of that ordered or prescribed without the express permission in each case of the person ordering or prescribing such drug, except as provided below:

(a) A licensed pharmacist in this State shall be permitted to select for the brand name drug product prescribed by a licensed physician or other practitioner authorized by law to write prescriptions, hereinafter referred to as "practitioner", a less expensive pharmaceutically and therapeutically equivalent drug product containing the same active ingredient, or ingredients, and of the same dosage form strength, in all cases where the practitioner expressly authorizes such selection in accordance with (c) of this Section.

(b) A pharmacist shall record on the prescription form the name and manufacturer or distributor of any drug product dispensed as herein authorized.

(c) Every written prescription issued in this State by a licensed practitioner shall contain two signature lines. Under one signature line shall be printed clearly the words "Dispense as Written". Under the other signature line shall be printed clearly the words "Product Selection Permitted". The practitioner shall communicate instructions to the pharmacist by signing on the appropriate line. The State Board of Pharmacy shall not promulgate any rule or regulation affecting the subject matter of

this subsection.

An oral prescription from the practitioner shall instruct the pharmacist whether or not a less expensive pharmaceutically and therapeutically equivalent drug product may be dispensed. The pharmacist shall note instructions on the file copy of the prescription and retain the prescription form for the period specified by law.

(d) Unless otherwise indicated by the practitioner, the prescription label on the dispensing container shall indicate the actual drug product dispensed, either the brand name, or if none, the generic name and the name of the manufacturer or a reasonable abbreviation of the name of the manufacturer.

(e) This shall not be interpreted to exclude the use of a formulary or drug list as adopted and approved by a medical staff in a licensed hospital with drugs provided thereunder by procedures established for use within that licensed hospital.

(f) Any person who violates the provisions of this Section shall be punished by a fine of up to \$1,000 (one thousand dollars).

Section 2. Severability--The provisions of this Act are severable. If any portion of this Act be held unconstitutional or invalid, it shall not affect any portion of this Act not in itself unconstitutional or invalid.

Section 3. Repeal--All laws or parts of laws which conflict with this Act or any of its provisions are, to the extent of such conflict, hereby repealed.

Section 4. Effective date--This Act shall become effective January 1, 1980, after its passage and approval by the Governor.

Approved July 19, 1979

Time: 8:05 P.M.

Act No. 79-430

H. 146—Hammett

AN ACT

To amend section 32-9-25 of the Code of Alabama 1975 relating to the length of trucks, trailers and semitrailers used on the highways of Alabama so as to allow livestock trucks to measure up to 65 feet in length.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-9-25 of the Code of Alabama 1975 relating to the length of trucks, trailers and semitrailers used on the

highways of Alabama is hereby amended to read as follows:

“§ 32-9-25. There shall be exempt from the provisions of this article as to length, loads of poles, logs, lumber, structural steel, piping and timber, and vehicles transporting same. Trucks, trailers and semitrailers which are constructed and used exclusively for the hauling of livestock, shall also be exempt from the restrictions of this article as to length, but, however, shall not exceed sixty-five feet in length.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1979

Time: 8:05 P.M.

Act No. 79-431

H. 605—Wyatt, Venable, McMillan

AN ACT

To authorize, provide for the licensing of, and to regulate the operation of and hunting on privately owned hunting preserves stocked by artificially propagated or “pen-raised” upland birds; to prescribe the fees for such licenses; to provide for their collection and distribution; to provide that the licensee shall be an agent vendor of hunting licenses; and to prescribe penalties for violation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person, firm, or corporation desiring to operate a hunting or shooting preserve commercially on which artificially propagated birds may be hunted, taken, captured, killed, harvested or otherwise recovered, may do so upon obtaining a hunting preserve license and complying with the provisions of this act and all rules and regulations promulgated by the commissioner of conservation and natural resources governing the operation of hunting preserves.

Section 2. Each hunting preserve shall contain a minimum of 100 acres in one tract of leased or owned land, including water area, if any, and shall be restricted to not more than 1,000 contiguous acres including water, if any. The exterior boundaries of each hunting preserve shall be bordered by a clearly marked single strand of wire or fences, except where rivers, creeks, roads, or other clearly defined demarcations or delineations form the boundary or a part thereof. Signs shall be erected at intervals of not less than 330 feet around the perimeter of the tract. At the top of each sign shall appear in letters not less than two inches high the

words, "LICENSED HUNTING PRESERVE," and such other words as the commissioner of conservation may prescribe. No hunting preserve shall be located within one mile of any other such preserve or within one mile of any management area or refuge existing under state or federal law or regulations at the time of the establishment of such hunting preserve. No license shall be issued for any hunting preserve on which the shooting of turkeys is authorized.

Section 3. Game which may be hunted on a preserve licensed under this Act shall be artificially propagated or "pen-raised" bob-white quail, pheasants, chuckar partridge, and such other species of fowl as the commissioner of conservation and natural resources shall designate. A minimum stock of at least 1,000 bob-white quail, if bob-white quail are to be hunted on the preserve, or a minimum stock of 200 of each of the other species of birds, listed above, to be hunted on a licensed preserve shall be released on the licensed hunting area during each hunting period.

Section 4. The privilege license or permit fee for operating a hunting preserve shall be \$25 per year for the first 100 acres of hunting preserve area plus \$5 per year for each additional 100 acres or part thereof. Any person who desires to operate such a hunting preserve shall first file a request with a local state game warden, or with the state department of conservation and natural resources, to have the tract which he proposes to use as a hunting preserve inspected, and if it meets the requirements of this Act and the rules and regulations of the department of conservation and natural resources he shall have a permit issued to him to procure a license to operate such hunting preserve. The applicant shall be advised of any discrepancies in writing for remedial action and a date shall be set for reinspection. Upon presentation to the judge of probate of the county in which the preserve is located of a permit from the department of conservation and natural resources, dated not more than thirty days prior to its presentation, accompanied by the proper license fee prescribed in this section, and an issuance fee of fifty cents, the judge of probate shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the commissioner of conservation and furnished by him to the judge of probate. All fees collected by the judge of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the game and fish fund of the state department of conservation and natural resources.

Section 5. The holder of a license issued pursuant to this Act,

his guest, and patrons may hunt, take, capture, kill, harvest or otherwise recover during the year no more than 80 per cent of the total number of each species of birds released on the preserve during such year. Since said bob-white are artificially propagated or "pen-raised quail" and may otherwise be commercially sold under the provisions of Section 9-11-340 through 9-11-351 of the Code of Alabama 1975, without restriction as to daily limit or any hunting season applicable to wild quail, there shall be no daily commercial limit as to the number of released "pen-raised quail" commercially taken or recovered by patrons under the provisions of this Act and the period during which each species of "pen-raised birds" may be hunted, taken, captured, killed, or otherwise recovered on such preserve shall begin on October 1 each year and extend through March 31 of the following calendar year.

Section 6. Bob-white quail shall be tagged with a self-sealing tag prior to being released on the preserve. The operators of hunting preserves shall cooperate in other requests which the commissioner of conservation and natural resources might make for scientific investigations. The Alabama department of conservation and natural resources shall specify tags which hunting preserve operators shall use, the tags to be numbered consecutively, dated by year of issuance, and carry the operator's license number.

Section 7. Each hunting preserve operator shall maintain a register and record therein the names, addresses, hunting license numbers, the date on which each hunted, and the amount and species of game taken by each hunter. An accurate record by species shall also be maintained of the total number of birds raised on the preserve or purchased, and the number of each species released thereon each year. These records shall be open to inspection by any duly authorized representative of the state department of conservation and natural resources at any reasonable time.

Section 8. Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regularly established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license. To better serve the public and in order that the state will not lose revenue from the loss of sale of licenses to out-of-state visitors arriving on weekends, each hunting preserve operator licensed hereunder shall be an agent vendor of all out-of-state and resident hunting licenses with any issuance fees collected therefor to be remitted to the judge of probate of the

county in which the preserve is located.

Section 9. Duly authorized agents of the state department of conservation and natural resources, game wardens, and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves.

Section 10. Any person, firm, or corporation who is found guilty of operating a licensed hunting preserve in violation of any provision of this Act, upon conviction, shall have his hunting preserve license revoked forthwith.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1979

Time: 8:05 P.M.

Act No. 79-432

H. 303—Holley, Carothers, Daniels,
Wyatt, Grimsley, Hines,
Williams, Ray, Cates, Reed

AN ACT

To direct the Alabama Peanut Producers Association to provide for a referendum by the peanut growers of the state on the question of whether a system of indemnification for certain losses incurred as a result of the presence of *Aspergillus flavus* or freeze damage in peanuts is favored; upon a favorable vote in such referendum, to provide for the establishment of a body corporate to initiate, administer and regulate a system of indemnification to peanut farmers for certain losses incurred as a result of the presence of *Aspergillus flavus* or freeze damage in peanuts; to authorize such body to initiate and administer an insurance plan or to contract with underwriters to insure against certain losses caused by such mold or freeze damage; to provide for an assessment plan to finance the indemnification program; and to provide that the provisions of this act shall become operative upon the adoption of an amendment to the Constitution of Alabama empowering the legislature to authorize such indemnification program.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act:

- (1) "A. flavus" shall mean *Aspergillus flavus*.
- (2) "Board" shall mean the board of directors of the peanut crop insurance corporation.
- (3) "Corporation" shall mean the peanut crop insurance corporation.
- (4) "Freeze damage" shall mean the discoloration of the peanut kernel caused by freeze damage.
- (5) "Peanut grower" shall mean any person whose name appears on an MQ-94 federal-state inspection certificate.

Section 2. Within 120 days after the adjournment of the 1979 Regular Session of the Alabama legislature, the Alabama Peanut Producers Association shall provide for a referendum election of the peanut growers of the state of Alabama on the proposition of whether such insurance program as provided in this act is favored. The election shall be held after notice by registered mail at least thirty days prior to the election has been given to peanut growers and at least thirty days prior to the election a news release publicizing such election has been printed once in at least five newspapers of general circulation in southeast Alabama in the counties which produce peanuts. The election shall be conducted by mail ballot with a ballot being mailed to all peanut growers in the state. On the ballots to be used at the election, the proposition shall be stated substantially as follows: "Do you favor the establishment of an insurance program for A. flavus and freeze damage in peanuts pursuant to the provisions of Act No. _____, (herein set out the number of this act) 1979 Regular Session of the Alabama Legislature? Yes (☐) No (☐)." If a majority of the votes cast at the election are in the affirmative, this act shall be effective. If a majority of the votes cast are in the negative, this act shall have no further effect.

Section 3. The Alabama Peanut Producers Association is hereby directed to establish a body corporate with the name "peanut crop insurance corporation" as hereinafter provided. The principal office of the corporation shall be located in Dothan, but there may be branch offices elsewhere in Alabama under rules and regulations prescribed by the board of directors of such corporation.

Section 4. The management of the corporation shall be vested in a board of directors. Said board shall consist of six directors to be elected by the peanut growers as hereinafter provided and the president of the Alabama Peanut Producers Association who shall serve as ex officio chairman of the board.

Section 5. Within 30 days after the referendum in which a majority of the voters vote in the affirmative for the establishment of an insurance program for A. flavus and freeze damage, the president of the Alabama Peanut Producers Association shall cause an election by mail to be held for the election of a board of directors of the peanut crop insurance corporation. In the election of the board of directors, there shall be three districts established to coincide with the existing three GFA districts. Each of the three districts shall have two places on the board. The two places for each district shall be designated as Place 1 and Place 2 and a board member shall be elected to each place by the peanut growers of the respective districts. Names of candidates for the board shall appear on the ballot only in the district in which the candidate resides. The term of office of the initial board shall commence immediately upon election and those elected in each district to Place 1 shall hold office for two years; those elected in each district to Place 2 shall hold office for four years. Only peanut growers shall vote in the election of the board members. Each director shall give bond, the premium to be paid by the board, in an amount to be determined by the board, payable to the board, conditioned upon the faithful performance of his duties as director. Such bond shall be executed by a surety company authorized to do business in this state and shall be on record in the principal office of the corporation. A director shall hold office until his successor has been elected and has qualified. Successors to the first elected directors shall likewise be elected for terms of four years at an election conducted, after notice by mail to peanut growers has been given, by such board at least one month prior to the expiration of the term of office of the incumbent directors, to be conducted by mail ballot. Vacancies occurring before the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the remaining members of the board of directors, with the approval of the chairman of the board.

Vacancies in the board so long as there shall be one member representing each district in office shall not impair the powers of the board to execute the functions of the corporation, and three members in office representing the three different districts shall constitute a quorum for the transaction of the business of the board

In the event the GFA districts presently existing should be changed, the board may by unanimous vote, redistrict itself. If the vote of redistricting is less than unanimous, redistricting can be done only with the approval of a majority of the peanut growers.

Each peanut grower desiring to be a director shall file not later than ten days prior to the date set for an election a nominating

petition with the board, signed by 10 or more peanut growers in the district in which he seeks election. If the candidates nominated do not exceed the positions available, they shall be declared elected by the board and the board shall issue a news release as to the results of such election. No person shall be eligible to be a director unless he is a peanut grower in the district in which he seeks election.

Members of the board shall receive no salaries but may be reimbursed for actual and necessary expenditures incurred in the performance of their duties.

Section 6. The president of the Alabama Peanut Producers Association shall call the first meeting of the board within 15 days after the election of the directors. The first order of business of such board shall be to adopt the corporate by-laws.

Section 7. The corporation shall have such powers as may be necessary or appropriate for the exercise of powers herein specifically conferred upon the corporation and all other general powers as are customary in corporations under the laws of this state.

Section 8. To carry out the provisions of this act, the corporation is hereby authorized and empowered to:

(1) Initiate an insurance plan itself or execute a contract or contracts with an underwriter to insure farmers stock peanuts rejected by federal-state inspection service under any plan or plans of insurance determined by the board to be adapted to peanuts. Such insurance shall be against losses due to the presence or the suspected presence, resulting in a decrease in price per ton, or as the board may prescribe, of *Aspergillus flavus* or freeze damage.

(2) Cooperate with underwriter in fixing adequate premiums for such insurance at such rates as the board deems sufficient to cover claims for crop damages on such insurance provided that such premiums may be established on the basis of parity or comparable price for peanuts as determined and published by the secretary of agriculture of the United States or on the basis of an average market price designated by the board. Such premiums shall be collected at such time or times or shall be secured in such manner as the board may determine. The board shall adjust premiums on a year to year basis.

(3) Contract with any governmental agency or department or any division of the department of agriculture and industries or any other body for information or to provide assistance in collections and/or distributions.

(4) To adjust and pay claims for losses in the peanut production of *Aspergillus flavus* or freeze damage under rules prescribed by the board. The burden of proving the presence of *A. flavus* or freeze damage shall be on the peanut grower.

(5) Adopt and promulgate rules and regulations in the administration of such indemnity program and in the administration of this act.

Section 9. The board is hereby authorized to reimburse the Alabama Peanut Producers Association for the costs of the election of the initial board members. All subsequent elections shall be paid for by the board. The board is authorized to use premium income for the cost of collecting the premiums and for the administrative and operating costs.

Section 10. The corporation and the Alabama Peanut Producers Association, respectively, are authorized to issue such regulations as may be necessary to carry out the provisions of this act.

Section 11. An audit and examination of the books of such corporation shall be made by an independent auditor at the expense of the corporation. Such audit and examination shall be made at least once in every year and a copy of such examination shall be on file in the principal office of the corporation.

Section 12. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are hereby repealed.

Section 14. This act shall become operative upon the adoption of an amendment to the Constitution of Alabama of 1901 empowering the legislature to authorize an indemnification program for certain peanut growers.

Approved July 19, 1979

Time: 8:05 P.M.

CREATING A JOINT SELECT LEGISLATIVE COMMITTEE TO STUDY AND PREPARE FOR THE FEASIBILITY OF ESTABLISHING A STATE LOTTERY, SUBJECT TO RATIFICATION BY THE PEOPLE OF A CONSTITUTIONAL AMENDMENT.

WHEREAS, members of the Legislature are exploring all avenues of raising revenues for the state and one area under consideration is establishing a state lottery; and

WHEREAS, it is necessary to submit a constitutional amendment to authorize the Legislature to enact legislation for a state lottery to the people for ratification; and

WHEREAS, the Legislature should be in a position to receive, consider and act upon information and studies therefor promptly; and

WHEREAS, the type, scope, controls and administration of a state lottery should be carefully prescribed in such legislation that the lottery may to the maximum extent achieve the desired results; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That:

1. There is hereby created a joint select committee to study the feasibility of preparing and implementing a state lottery system. The committee shall consist of three members of the house of representatives and three members of the senate, appointed by the presiding officer of the respective houses. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. The committee shall organize as soon as may be after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the committee.

3. It shall be the duty of said committee to formulate a report of the feasibility of establishing a state lottery, including proposed legislation and an administrative program for the conduct of a state lottery, for submission to the Governor and the Legislature. In formulating such proposed legislation the committee is authorized to study the lottery legislation and operating procedures employed in other jurisdictions with the ends in view of devising a lottery system of broad appeal with frequent drawings, effective controls and such other features which will achieve, to the maximum practicable extent, the objectives as stated herein. They are further authorized to call in such experts in the field of lottery as may be

feasible to assist in devising what is economically and demographically best for Alabama.

4. The committee shall be entitled to call to its assistance and avail itself of the services of such employees of any department, board, bureau, commission or agency of this state or of other jurisdictions as it may require and as may be available to it for said purpose, and to employ such consultants, stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties. Each member of the committee shall be entitled to actual expenses and per diem in the performance of the duties herein imposed, whether within or without the state. All expenses shall be payable out of the funds appropriated to the Legislature, not to exceed \$12,000.00.

5. The committee shall meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature.

BE IT FURTHER RESOLVED, That the select committee shall stand discharged on sine die of the 1980 Regular Session of the Legislature.

Approved July 20, 1979

Time: 3:30 P.M.

Act No. 79-434

H. 148—Hines

AN ACT

To amend Code of Alabama 1975, Sections 40-20-2 and 40-20-8, so as to increase the rate of tax; to provide further for distribution of the proceeds of the tax; and to provide certain exemptions from the increased rate.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, Section 40-20-2, is amended to read as follows:

“§ 40-20-2. (a) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the State of Alabama in the business of producing or severing oil or gas as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit, or for

use. The amount of such tax shall be measured at the rate of six per centum of the gross value of said oil or gas at the point of production. All wells producing less than 26 barrels of oil per day shall be taxed at the rate of four per centum (4%) of the gross value of said oil or gas at the point of production. All wells that come into production after the effective date of this Act shall be taxed at the rate of four per centum (4%) of the gross value of said oil or gas at the point of production for a period of ten years after production begins. Ten years after production begins, such tax shall then be imposed at the rate of six per centum (6%) on such wells that go into production after the effective date of this Act. Provided, however, that said additional increase shall be limited to those oil and gas wells from between 15,000 and 15,800 feet in the smackover formation. (b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined, or unmanufactured condition. (c) A county, city, town or municipality of the state of Alabama shall not establish, levy, impose or collect as a condition of doing business or otherwise, any tax, fee, license or charge, whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing, or transportation on any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil, or gas or upon the ownership, operation or maintenance of plants, facilities, machinery, pipe lines, gathering lines or any equipment, whatsoever, which are, or may be necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing, or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax under the provisions of this article. (d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of

producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. Any person who is a royalty owner shall be exempt from the payment of any increase in taxes herein levied and shall not be liable therefor. (e) The privilege tax herein levied shall be absorbed and paid by those persons engaged in the business of producing or severing oil or gas only, and the producer shall not pass on the costs of such tax payments, either directly or indirectly, to the consumer; it being the express intent of this act that the tax herein levied shall be borne exclusively by the producer or severer of oil or gas."

Section 2. Code of Alabama 1975, Section 40-20-8, is amended to read as follows:

"§ 40-20-8. (a) Sixty-six and two-thirds per centum (66-2/3%) of the net amount of all taxes herein levied and collected by the department, after the same has been certified into the state treasury, shall be allocated and distributed by the comptroller to the credit of the general fund of the state and to the county in which the oil or gas was produced and to the municipalities therein in the proportion set out in the following schedule: (1) Twenty-five per centum (25%) of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within any county, shall be allocated and distributed to each such county for county purposes or to be expended at the discretion of the county governing body. In all counties having a population of not less than 34,875, nor more than 36,000, according to the 1970 federal decennial census, such funds shall be allocated and distributed to the boards of education of the public schools in such counties on a pro rata basis as established by the number of children in net enrollment in the public schools during the prior school attendance year. In all counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census, such funds shall be allocated and distributed as follows: Each year the first \$150,000 shall be paid to the custodian of the county school funds and after the payment of said \$150,000 each year the balance of said funds shall be divided and paid 1/3 to the custodian of the county school funds and 2/3 to the custodian of the county general funds. (2) Ten percent (10%) of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within the corporate limits or the police jurisdiction of any municipality shall be allocated and distributed to each such municipality. (3) Fifty percent (50%) of the first one hundred and fifty thousand dollars (\$150,000.00) remaining, or any part thereof, collected per year under the provisions of this article to the state; forty-two and one-half percent (42-1/2%) to the county; and seven and one-half percent (7-1/2%) to municipalities therein on

a population basis. (4) Eighty-four per centum (84%) of all additional sums collected per year under the provisions of this article to the state; fourteen per centum (14%) to the county; and two per centum (2%) to municipalities therein on a population basis.

“(b) Sixteen and two-thirds per centum (16-2/3%) of the net amount of all taxes herein levied and collected by the department shall be certified into the state treasury to the credit of the state General Fund.

“Sixteen and two-thirds per centum (16-2/3%) of the net amount of all taxes herein levied and collected by the department on oil and gas produced from oil or gas wells located within any county, shall be allocated and distributed to each such county for county purposes to be expended at the discretion of the governing body.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective on the first day of the second month after its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 19, 1979

Time: 11:45 P.M.

Act No. 79-435

S. 23—Harrison

AN ACT

To amend Section 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-107, 9-17-109 and 9-17-110 of the Code of Alabama 1975, so as to provide certain changes in the regulation of liquefied petroleum gas.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9-17-101, 9-17-102, 9-17-104, 9-17-105, 9-17-106, 9-17-109 and 9-17-110 of the Code of Alabama 1975, are hereby amended to read as follows:

“§ 9-17-101. There is hereby created and established the Alabama liquefied petroleum gas board. Such board shall be composed of seven members; the state fire marshal; the state director of public safety; the president of the Alabama public service commission; and four members who are representatives of the liquefied petroleum gas retail Class A permit holders.

"Members of the board who are representatives of the liquefied petroleum gas retail permit holders shall have been legal residents of the state of Alabama for at least five years next preceding the date of appointment and shall have been actively engaged in the retail distribution of liquefied petroleum gas in this state for a period of at least five years. No retail Class A permit holder shall have more than one representative on the board at any one time.

"From each of four substantially equal geographical areas of the state, designated as the southeast, the northeast, the northwest and the southwest, the governor shall appoint one retail permit holder member of the board. Such member shall be appointed from a list of at least three nominees receiving the largest number of votes according to written ballots executed by representatives of retail Class A permit holders.

"In the event the governor has not appointed a board member at the end of ninety days after the list of retail permit holders has been submitted to him, the person on the list having the most votes shall become the board member. In the event of a tie for the most votes a majority vote of the board members will select which person of those tied will become the board member.

"In the event a vacancy occurs during a board member's term, the three then eligible retail permit holders having received the most votes from the election which was held to select the board member for which the vacancy occurred shall be submitted to the governor for his appointment. In the event an appointment has not been made in ninety days, the same process shall be used for the election as in the above paragraph.

"The balloting shall be conducted by the administrator of the board under the direction and supervision of the board. For such appointments, the administrator shall forward by registered or certified mail an official ballot to each retail permit holder or his duly designated representative with instructions for executing the ballot and returning it to the board. The terms of all such members shall be for four years, but no member shall be denied the right to succeed himself.

"The board shall elect its own chairman and vice-chairman at its first regular meeting each calendar year. All meetings of the board shall be held at Montgomery, Alabama and shall be on a prescribed date, at least quarterly, and at such time as a majority of the board members may request in writing to the board chairman. Any four members shall constitute a quorum for the transaction of any business which may come before the board. The board shall have the power to adopt bylaws and rules of administrative

procedure.

“§ 9-17-102. Board members shall receive travel expenses and per diem at the rate that is currently prescribed by the state for its state employees, while attending official meetings of the board. No member of the board shall receive per diem and expense allowance for more than 20 days in any one calendar year.

“§ 9-17-104. The board shall appoint an administrator and have power over his dismissal and shall fix his compensation. Before entering upon the duties of his office, such officer shall make and file with the secretary of state an official bond in an amount to be fixed by the board, premiums on which shall be paid out of funds of the board. Said bond shall be payable to the state of Alabama and shall be written by an approved insurance company qualified to do business in the state of Alabama. The board shall prescribe the duties of the administrator of the board and shall adopt a seal which shall be in the care and custody of the administrator. The board shall have authority, subject to the provisions of the merit system, to employ such assistants and inspectors as may be necessary to carry out the provisions of this article and shall prescribe their duties. Also, the board may, without regard to the Merit System Act, engage and employ such consultants and technical advisers as it may deem necessary in carrying out its responsibilities. All fees collected under the provisions of this article or otherwise inuring to the credit of the board shall be deposited in the state treasury in a fund to be designated the ‘liquefied petroleum gas board fund,’ which fund is hereby established. All expenditures from said fund shall be subject to the terms, conditions, provisions and limitations of Title 41, chapter 4, article 4. All balances in said fund in excess of \$50,000.00 at the end of each fiscal year shall be transferred to the state general fund.

“§ 9-17-105. The board shall have the power to issue permits to engage in or continue in the business of selling, distributing, storing or transporting liquefied petroleum gases and to engage in or continue in the business of selling, installing, servicing, repairing or adjusting liquefied petroleum gas containers, tanks or systems in the state of Alabama and to prescribe the requirements of such person to obtain such permits.

“The permits shall be of five types:

“PERMIT A. Shall give the holder a right to engage in or continue in the business of selling, distributing, storing or transporting liquefied petroleum gases and to engage in or continue in the business of selling, installing, servicing, repairing or adjusting liquefied petroleum gas containers, tanks or systems at

retail. Before any person shall engage in or continue in the business of selling, distributing, storing or transporting liquefied petroleum gases, except where the liquefied petroleum gas so handled is in quantities of less than one gallon U. S. water capacity and is an integral part of a device for its utilization, or before any person shall engage in the business of selling, installing, servicing, repairing or adjusting liquefied petroleum gas containers, tanks or systems at retail in the state of Alabama, such person shall first obtain from the board a Permit A and shall execute and file with the board a bond and the insurance herein required.

"The board shall require every applicant for Permit A to present evidence to the board that he has a bona fide contract or a letter of intent to sell, from a reputable supplier of liquefied petroleum gas for an amount of such gases that is sufficient to supply the customers he has estimated that he will serve.

"PERMIT B. Shall give the holder a right to engage in or continue in the business of transporting, storing, distributing or selling liquefied petroleum gases in unit quantities of 5,000 gallons or more to end users only. Before any person shall engage in or continue in the business of transporting, storing, distributing or selling liquefied petroleum gases in unit quantities of 5,000 gallons or more to end users only, in the state of Alabama and not being a holder of a Permit A, such person shall first obtain from the board a Permit B and shall execute and file with the board a bond and the insurance herein required. In an emergency situation when delay might cause undue hardship the board shall have the power through its administrator to issue a temporary Permit B to an applicant provided all other requirements are met. Such permit shall remain in force until the time of the next regular meeting of the board when the application will be reviewed and acted upon.

"PERMIT C. Shall give the holder a right to engage in or continue in the business of selling, installing, servicing, repairing or adjusting liquefied petroleum gas piping and installing, servicing, repairing or adjusting liquefied petroleum gas appliances on the down stream side of the tank regulator only. Before any person shall engage in or continue in the business of selling, installing, servicing, repairing or adjusting liquefied petroleum gas piping, and installing, servicing, repairing or adjusting liquefied petroleum gas appliances on the down stream side of the tank regulator only, in the state of Alabama and not being a holder of a Permit A, such person shall first obtain from the board a Permit C and execute and file with the board a bond and the insurance herein required.

"PERMIT D. Shall give the holder a right to engage in or continue in the business of installing and/or repairing of bulk storage systems of 5,000 gallons water capacity or more in single containers or in an aggregate of 5,000 gallons water capacity of a multi-container installation only. Before any person shall engage in or continue in the business of installing bulk storage system of 5,000 gallons water capacity or more in single containers or in a multi-container installation of an aggregate of 5,000 gallons water capacity, in the state of Alabama and not being a holder of a Permit A, such person shall first obtain from the board a Permit D and shall execute and file with the board a bond and the insurance herein required.

"The board shall require holders of a Permit D to submit plans for any proposed installation of any liquefied petroleum gas storage facility he is planning to install that is authorized under the terms of his permit. He must obtain approval for the location and for the plans from the administrator of the board before construction is begun. All such facilities must be constructed according to rules and regulations of the board and the completed unit must have board approval before being used. A minimum fee of \$200.00 must be paid to the board at the time the plans for each facility are presented for approval. This fee of \$200.00 will cover examination of the plans and one site inspection. An additional fee of \$50.00 for each inspection trip to the site that is required shall be paid to the board before final approval is given for the facility to be used. These fees may be changed by action of the board.

"PERMIT E. Shall give the holder a right to engage in or continue in the business of calibration and/or repair of liquefied petroleum gas liquid meters.

"Before any person shall engage in or continue in the business of calibration and/or repair of liquefied petroleum gas liquid meters in the state of Alabama and not being a holder of a Permit A, such person shall first obtain from the board a Permit E and shall execute and file with the board a bond and the insurance herein required.

"The required bond for Permits A, B, C, D and E shall be in the sum of \$5,000.00 payable to the state of Alabama, and conditioned on the full compliance with the provisions of this article. Said bond shall be written by an insurance company qualified to do business in the state of Alabama. In lieu of such surety bond a personal bond in the amount of \$5,000.00 may be used; provided, that the same is secured by bonds or other obligation of the state of Alabama or the United States Government of equal value.

"An applicant for any of the five permits shall also file with the board evidence that he has in force such of the hereinafter listed insurance coverage written on standard contract forms by an insurance company or companies qualified to do business in the state of Alabama based upon those of the activities listed above in which he is engaged.

INSURANCE	EACH OCCURENCE	EACH PERSON
Comprehensive Automobile Liability		
Bodily injury liability	100,000	50,000
Property damage liability	100,000	
Comprehensive General Liability		
covering:		
(Bodily injury liability)		
(Manufacturers and Contractors		
liability)	100,000	
(Owners and Contractors		
protection liability)		
(Completed operations and		
products liability)		

"In lieu of filing with the board evidence that such insurance coverage, as outlined above, is in force, such person may file with the board a good and sufficient surety bond executed by an insurance company qualified to do business in this state in an amount of \$100,000.00, which bond shall be payable to the state of Alabama and shall be conditioned to guarantee the payment of all damages which proximately result from any act of negligence on the part of such person or his agents, servants or employees while engaging in any of the activities specified in this section. In lieu of such surety bond, any such person may execute and file a good and sufficient personal bond in the amount and conditioned as above specified, which said personal bond shall be secured by bonds or other obligations of the state of Alabama or the United States government of equal value.

"§ 9-17-106. FEES FOR PERMIT A AND PERMIT B.

Every applicant for a Permit A or a Permit B, at the time of issuance shall pay to the board a fee of \$300.00 and annually thereafter pay to the board a fee of \$200.00. Said permits and fees shall be due on October 1 and delinquent after October 31 each year.

"Every person required to renew such permit and pay said fees who fails to do so by said delinquent date shall incur a penalty of \$10.00 for each day he is delinquent in complying with the provisions of this section, and such penalty shall be paid to the board

before the issuance of the permit. Delinquency shall be determined by the United States Postal Service postmark when the date on such postmark falls on a later date than the said delinquent date.

“FEES FOR PERMIT C. Every applicant for a Permit C shall at the time of issuance of the permit by the board and annually thereafter pay to the board a permit fee of \$50.00. Said permit and fees shall be due January 1 and delinquent after January 31 of each year.

“Every person required to renew such permit and who fails to do so by the delinquent date shall have his permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for delinquency and make payment of the regular fee of \$50.00 and a penalty of \$25.00. After six months the person must reapply in the original manner previously set by the board.

“FEES FOR PERMIT D. Every applicant for a Permit D shall at the time of issuance of the permit by the board and annually thereafter pay to the board a permit fee of \$250.00. Said permit and fees shall be due January 1 and delinquent after January 31 of each year.

“Every person required to renew such permit and who fails to do so by the delinquent date shall have his permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for delinquency and make payment of the regular fee of \$250.00 and a penalty of \$50.00. After six months the person must reapply in the original manner previously set by the board.

“FEES FOR PERMIT E. Every applicant for a Permit E shall at the time of issuance of the permit by the board and annually thereafter pay a permit fee of \$50.00. Said permit fees shall be due on January 1 and delinquent after January 31 of each year.

“Any person required to renew such permit and who fails to do so by the delinquent date shall have his permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for delinquency and make a payment of the regular fee and a penalty of \$25.00. After six months the person must reapply in the original manner previously set by the board.

“In the event that an end user located within the state of Alabama purchases or obtains liquefied petroleum gas on which the permit fees required by this act have not been paid then said end

user shall be required to report to the board the cost of such liquefied petroleum gas purchased during each period from October 1 to September 30 each year and shall pay to the board such fees that are due.

"All end users who purchase liquefied petroleum gas in unit quantities of 5,000 gallons or more are hereby required to furnish the board with such information concerning such purchases as may be requested by the board.

"Any supplier who sells liquefied petroleum gas to any marketer or any end user in the state or who delivers or causes to be delivered liquefied petroleum gas to any point in the state, is required to report to the board all such sales by the 20th of the month following the month in which the sales are made. Such supplier shall add to each individual sales invoice an amount set by the board not to exceed $\frac{1}{5}$ of 1 per cent of the invoice cost of the total billing which shall include the cost of the product and freight to the point of delivery in the state to the marketer and shall remit to the board such money collected with the required monthly report.

"The board shall have the authority from year to year to lower or raise the percentage of invoice cost to be collected from each supplier.

"At no time may the board raise the percentage of invoice cost to be collected from each supplier above the rate of $\frac{1}{5}$ of 1 per cent.

"Any permit holder who sells liquefied petroleum gas in the state of Alabama not otherwise covered under the provisions of this act must report to the board the cost of such sales by the 20th of the month following the month such sales were made. Such permit holder shall submit to the board a percentage of the invoice cost as specified by the board not to exceed $\frac{1}{5}$ of 1 per cent of the cost of the sale. The invoice cost shall include the cost of the product and freight to the point of delivery in the state to the marketer.

"Where a permit holder buys liquefied petroleum gas in the state of Alabama and pays the required permit fees on such liquefied petroleum gas and this permit holder sells such gas to end users outside the state of Alabama, the board is authorized to issue a credit or refund of the amount of such fee upon proper application to the board. Such application shall be submitted to the board no later than 30 days following the end of each fiscal quarter. Failure to make a timely application shall result in forfeiture of the fee.

"§ 9-17-107. The board shall require that every applicant for a Permit A have located within the state of Alabama a minimum of 30,000 (water gallon capacity) gallons storage capacity for liquefied petroleum gases.

"If the 30,000 gallon (water capacity) storage consists of more than one container, then no storage container in any installation used to meet this requirement of the law shall be a size less than 6,000 gallon (water capacity) and the storage capacity required by this section of the law shall be within close proximity to the area serviced and used by the applicant to service his customers in the state of Alabama.

"The board shall require that such person shall submit plans for the proposed bulk storage facility to the office of the board and obtain approval by the administrator of such plans before construction is begun. All such facilities must be constructed according to rules and regulations of the board and the completed unit must have board approval before being used.

"If the holder of a Permit A submits plans to the board for a storage plant that shall remain his property even though the plant be at a customer's site or if the plant to be built is to be used as part of his own distribution system, then there will be no additional fees for approval and inspection of this facility; however, if this permit holder undertakes to install a bulk storage system of 5,000 gallons water capacity or more in single containers or in multi-container installation of an aggregate of 5,000 gallons water capacity, he must obtain approval for the location and for the plans from the administrator of the board before construction is begun. When plans for the bulk storage plant described above are submitted to the board for approval, a fee of \$200.00 must be paid at the same time. This fee of \$200.00 will cover examination of the plans and one site inspection. An additional fee of \$50.00 for each inspection trip to the site, that is required, shall be paid to the board before final approval is given for the facility to be used. These fees may be changed by the board.

"§ 9-17-109. Any person violating any provision of this article or any rule, order or regulation promulgated pursuant hereto shall, on conviction thereof, be fined not more than \$1,000.00 and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months, and every violation of any provisions of this article or any rule, order or regulation promulgated pursuant hereto shall constitute a separate offense.

"It shall be the duty of every person subject to the fees imposed by section 9-17-106 of this act to keep and preserve suitable records of all liquefied petroleum gas transactions subject to fees and such other books or accounts as may be necessary in order to determine the amount of fees for which such persons are liable under the provisions of this act. Such records shall be retained for a period of not less than three (3) years, such records shall include the name, address of buyer, date of sale, amount of gallons purchased, cost per

gallon, total amount of sale, amount of fees collected under the provisions of section 9-17-106 of this act.

"If any person fails to report and remit fees required in section 9-17-106 of this act, the board shall issue written order by registered or certified mail to such persons to report and remit forthwith, and, if such person fails or refuses to make such report and remittance within 30 days from date of such notice, then the board shall make the report for such persons delinquent upon such information as it may reasonable obtain and shall assess the fees due thereon and shall add a penalty for failure to make such report and payment of 25 per cent of the fees due, as assessed by the board and interest at the rate of $\frac{1}{2}$ of 1 per cent per month, or fraction thereof, from the date such fees were due; provided, that the board, if a good and sufficient reason is shown for such delinquency, may waive or remit the 25 per cent penalty or a portion thereof.

"Any person who fails to pay the fees levied in section 9-17-106 of this act within the time required by this act shall pay, in addition to the fees, a penalty of 10 per cent of the amount of the fees due, together with interest thereon at the rate of $\frac{1}{2}$ of 1 per cent per month or fraction thereof from the date at which the fees levied in this section became due and payable, such penalty and interest to be assessed and collected as part of the fee; provided the board for good cause shown may waive or remit said penalty or any portion thereof.

"As soon as practicable after the report is filed, the board shall examine and ascertain the proper amount of the fee as shown by the report. The excess shall be refunded to the person who filed the report or credited on any deficiency previously due under the provisions of this act. If the amount paid is less than the amount due, as shown by the report, the board shall immediately notify the persons of such deficiency and shall add thereto a penalty of 10 per cent of the amount due, and if such deficiency be not paid within 30 days from date of such notice, the same shall bear interest at the rate of $\frac{1}{2}$ of 1 per cent per month or fraction thereof, from the date the same was due and shall be collected as part of the fee; provided, the board for good cause shown may waive or remit said penalty or any portion thereof.

"Whenever the board in examining and auditing the records of any such persons who collects said fee or from other information shall ascertain that the amount or amounts previously paid by such person for any period or periods is incorrect, the board shall compute the correct amount of fees due, and, if it appears that the

amount paid by such persons is in excess of the correct amount due, such excess shall be refunded to such persons or credited on any deficiency previously due by such persons as required by this act. If it appears that the amount paid by such persons is less than the amount due, the board shall compute the amount of such deficiency and shall notify such persons and shall demand payment thereof, and, if not paid within 15 days from date of such demand, the board shall add a penalty of $\frac{1}{2}$ of 1 per cent per month from the date such fees, or any part thereof, becomes due, provided, that if the board is of the opinion that there was a willful or fraudulent intent by such persons to evade the fees due, it may assess a penalty of 25 per cent of the fees, provided that upon appeal such action shall be reviewable.

“Whenever the board shall make an assessment against such persons as provided in section 9-17-106 of this act the board shall notify such persons by registered or certified mail of the amount of such assessment and shall notify such persons to appear at the board office on a day named not less than 20 days from date of such notice and show cause why such assessment should not be final. Such appearance may be by agent or attorney. If no showing is made on or before the date fixed in such notice or if such showing is not sufficient in the judgement of the board, such assessment shall be made final in the amount originally fixed or in such amount as is determined by the board to be correct. If upon such hearing, the board finds the amount due to be different from that originally assessed, it shall make the assessment final in the correct amount and in all cases shall notify such persons of the assessment as finally fixed; provided, that a notice by United States mail, addressed to such persons last known place of business, shall be sufficient.

“Whenever any such person who has duly appeared and protested an assessment by the board is dissatisfied he may make appeal of such assessment to the board at a time and place designated by the board, provided no appeal shall lie in cases where such person has failed to appear and protest.

“Any assessment made by the board shall prima facie be correct on appeal.

“§ 9-17-110. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. The 1979-1980 Class A and B annual renewal permit fees and invoice sales charges shall be assessed and collected under the provisions of this act, unless enacted after October 1, 1979, in which case the 1980-1981 Class A and B annual

renewal permit fees and invoice sales charges shall be assessed and collected under the provisions of this act.

“§ 9-17-111. All laws or parts of laws which conflict with this act are hereby repealed.

Approved July 19, 1979

Time: 3:00 P.M.

Act No. 79-436

S. 158—Parsons

AN ACT

To require group health insurance policies, contracts and plans to offer benefits for the care and treatment of alcoholism in licensed or certified programs and to provide for minimum levels of benefits when such coverage is elected.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. - The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication here otherwise, be given the following respective interpretations herein:

“Alcoholism” means a chronic disorder or illness in which the individual is unable, for psychological or physical reasons, or both, to refrain from the frequent consumption of alcohol in quantities sufficient to produce intoxication and, ultimately, injury to health and effective functioning.

“Detoxification” means supervised physical withdrawal from alcohol.

“Inpatient treatment” for alcoholism means care provided in a licensed hospital and is normally limited to detoxification where severe medical or psychiatric complications are present or may be anticipated.

“Short term residential alcoholism treatment” means a state certified facility which provides structured programs of intensive treatment services for people addicted to alcohol. Services may include supervised withdrawal from alcohol, backup emergency medical services for persons whose physical condition necessitates medical care, psychological and social evaluation, nutritional stabilization through proper dietary service, individual counseling, family counseling, referral to other providers who can provide additional services for continuity of care, aftercare, and followup.

"Outpatient treatment" means treatment rendered in a non-residential setting and using an intermittent, periodic schedule of visits.

Section 2. Policies, Contracts and Plans Affected by Act. No group, blanket, franchise or association health insurance policy providing coverage on an expense incurred basis, nor group, blanket, franchise or association service or indemnity type contract issued by a non-profit corporation, nor group-type self insurance plan providing protection, insurance or indemnity against hospital, medical or surgical expenses, nor health maintenance organization plan shall be issued, delivered, executed, or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Insurance after ninety (90) days beyond the effective date of this Act, unless such policy, contract or plan at the option of the policyholder or sponsor provides benefits to any insured, subscriber or other person covered under the policy, contract or plan for expenses incurred in connection with the treatment of alcoholism when such treatment is prescribed by a duly licensed doctor of medicine.

Section 3. Benefits Required. The benefits to be offered under this Act shall include inpatient or residential treatment rendered to the insured, subscriber, or other person covered, at a state licensed hospital or at a short term residential alcoholism treatment facility or detoxification facility duly licensed or certified as such by the Alabama Board of Health or the Alabama Mental Health Board.

Benefits shall also include outpatient treatment rendered to the insured, subscriber or other person covered, by a duly licensed doctor of medicine or by an alcoholism treatment facility duly licensed or certified as such by the Alabama Board of Health or the Alabama Mental Health Board.

Section 4. Extent of Coverage Required. When benefits are provided under this Act the benefits shall provide for a minimum of thirty days of inpatient treatment or its equivalent per calendar year with the equivalency to be computed based on a formula which equates two (2) days of treatment in a short term residential alcoholism treatment facility to one (1) day of inpatient treatment and which equates three (3) sessions of outpatient treatment by a licensed doctor of medicine or alcoholism treatment facility to one (1) day of inpatient treatment.

Section 5. Inconsistent Laws. All laws or provisions of law in conflict herewith are repealed insofar as they may be inconsistent with the provisions of this Act.

Section 6. Severability Clause. If any provision of this Act or the application thereof is held invalid, such invalidity shall not effect the other provisions or applications of this Act.

Section 7. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1979

Time: 3:00 P.M.

Act No. 79-437

S. 259—Proctor

AN ACT

To amend § 22-20-3 of the Code of Alabama to require that all infants be tested for hypothyroidism and to provide funds to support such a program.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-20-3 of the Code of Alabama is amended to read as follows:

(a) It shall be the duty of the administrative officer or other persons in charge of each institution caring for infants 28 days or less of age, or the physician attending a newborn child or the person attending a newborn child that was not attended by a physician to cause to have administered to every such infant or child in his care a reliable test for hypothyroidism and a reliable test for phenylketonuria (PKU), such as the Guthrie test, or any test considered equally reliable by the state board of health. Testing and the recording of the results of such tests shall be performed at such times and in such manner as may be prescribed by the state board of health; provided, that no such test shall be given to any child whose parents object thereto on the grounds that such tests conflict with their religious tenets and practices.

(b) The state board of health shall promulgate such rules and regulations as it considers necessary to provide for the care and treatment of those newborn infants whose tests are determined positive, including, but not limited to, advising dietary treatment for such infants. The state board of health shall promulgate any other rules and regulations necessary to effectuate the provisions of this section."

Section 2. In addition to any other appropriation, there is appropriated to the state Department of Health, out of the General Fund, for the fiscal year beginning October 1, 1979, the sum of \$100,000 to implement the testing program established in Section 1 of this act.

Section 3. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1979

Time: 3:00 P.M.

Act No. 79-438

S. 267—Smith and McDonald

AN ACT

To amend Sections 22-21-133 and 22-21-145 of the Code of Alabama 1975, as heretofore amended, relating to municipal hospital authorities, so as to correct certain typographical errors and to make more specific provision for certain specified publications and for the filing of amendments to the charters of municipal hospital authorities, and to specify that all the aforesaid provisions shall apply both retrospectively and prospectively.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-21-133 of the Code of Alabama 1975, as amended, shall be and hereby is further amended to read as follows:

“§ 22-21-133. Same - Certificate of Incorporation - Contents - Amendment of Certificate of Incorporation. (a) The certificate of incorporation of the authority shall state:

(1) The name and address of each of the incorporators, and a statement that each of them is a duly qualified elector of, and property owner in, the municipality;

(2) The name of the authority, which shall be “The Hospital Building Authority of the (City of Town) of _____”, “The Hospital Authority of the (City of Town) of _____” or some other name of similar import;

(3) The location of its principal office, which shall be in the municipality;

(4) The number of directors (which shall be three or other uneven number not less than three); and

(5) Any other matter relating to the authority that the incorporators may choose to insert and which shall not be inconsistent with this article or with the laws of the state.

The certificate of incorporation shall be signed and acknowledged by each of the incorporators before an officer authorized by the laws of the state to take acknowledgements of deeds. The form and contents of the certificate of incorporation

must be submitted to the governing body for its approval, which shall be evidenced by a resolution duly entered upon the minutes of the governing body.

(b) The certificate of incorporation of the authority may at any time and from time to time be amended so as to change the name of the authority or increase the number of members of the board and to make any other change or addition to the certificate of incorporation deemed desirable by the governing body of the municipality. Any such amendment shall be effected in the following manner: The governing body of the municipality (i) shall adopt a resolution proposing and setting forth the text of such amendment, (ii) shall cause such resolution to be published one time in a newspaper published in the municipality (or, in the event there is no newspaper published in the municipality, then in a newspaper published in the county), and (iii) shall cause a copy of such resolution to be mailed or otherwise delivered to the authority. The authority shall be entitled to present to the governing body of the municipality, during the period of thirty days following the publication of such resolution, the views of the authority as to the desirability of such proposed amendment. The governing body of the municipality may, at any time after the publication of such resolution, adopt a second resolution either (A) declaring that it does not consider it desirable to make the amendment proposed in the first such resolution and repealing such resolution, or (B) declaring that it does consider it desirable that such amendment be made, again setting forth the text of such amendment and authorizing its filing as hereinafter provided. The governing body of the municipality shall cause such second resolution to be published one time in a newspaper published in the municipality (or, in the event there is no newspaper published in the municipality, then in a newspaper published in the county). The mayor or other chief executive officer and the clerk of the municipality shall, not less than fifteen days after the publication of such second resolution, file in the office of the judge of probate of the county a certified copy of such second resolution setting forth the said proposed amendment, which shall become effective upon such filing in said office.

(c) There may be included in the certificate of incorporation of the authority and in any amendment thereto, in addition to the matters specified in the preceding subsections (a) and (b) of this section, provisions requiring the consent of the municipality to the exercise by the authority of any of the powers that are granted or delegated herein to the authority and that would otherwise be exercisable solely by the authority (in which event the certificate of

incorporation or amendment thereto shall specify with particularity those of said powers the consent of the municipality to the exercise of which by the authority is necessary) and provisions requiring that one or more of the members of the board (but in no event as many as a majority of the number of the members of the board) be elected by the governing body of the municipality from among three persons nominated for each such place thereon by the county commission or other body in which the legislative functions of the county are vested by law."

Section 2. Section 22-21-145 of the Code of Alabama 1975, as amended, shall be and hereby is further amended to read as follows:

"§ 22-21-145. Same - Recital and notice of issuance: limitation on actions to contest. Any resolution authorizing any bonds under this article shall contain a recital that they are issued pursuant to the provisions of this article, which recital shall be conclusive evidence that said bonds have been duly authorized pursuant to the provisions of this article, notwithstanding the provisions of any other law now in force or hereafter enacted or amended. Upon the adoption by the board of any resolution providing for the issuance of bonds, the authority may, in its discretion, cause to be published once a week, for two consecutive weeks, in a newspaper then published in the municipality or, if there is no newspaper then published in the municipality, then in a newspaper published or circulated in the county, a notice in substantially the following form, with any appropriate changes, to the extent applicable and with the blanks being properly filled in:

"....., a public corporation and a political subdivision of the State of Alabama, has authorized the issuance of \$. principal amount of bonds of the said authority to be dated for purposes authorized in Article 5 of Chapter 21 of the Code of Alabama of 1975 and has entered into a lease with the (City or Town) of respecting the project described therein and pledged said lease and the rentals payable thereunder as security for said bonds. Any action or proceeding questioning the validity of the said bonds, or the pledge and the indenture to secure the same or the said lease, must be commenced within twenty days after the first publication of this notice.

(here insert name of authority)

.....

By

Its President"

Any action or proceedings in any court to set aside or question

the validity of the proceedings for the issuance of bonds referred to in said notice or to contest the validity of any such bonds, or the validity of any lease agreement pledged therefor, or the validity of any pledge made therefor or the validity of the indenture must be commenced within twenty days after the first publication of such notice. After the expiration of the said period, no right of action or defense questioning or attacking the validity of the said proceedings, or of the said bonds, or any such lease agreement, or any pledge herein authorized or the indenture shall be asserted, nor shall the validity of the said proceedings, bonds, lease agreement (if any), pledge or indenture be open to question in any court on any ground whatsoever except in an action commenced within said period."

Section 3. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law. Further, the provisions of this act shall apply both retrospectively and prospectively, all to the end (a) that all actions heretofore taken in accordance with its provisions shall stand confirmed as if this act had been enacted prior to the taking of such actions, and (b) that all actions hereafter taken to which this act shall apply shall be taken in accordance with the provisions hereof.

Approved July 19, 1979

Time: 3:00 P.M.

Act No. 79-439

H. 8—Biddle

AN ACT

To amend Section 23-5-5, Code of Alabama 1975, relating to dumping of trash or litter on public roads, so as to further provide for the penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 23-5-5, Code of Alabama 1975, is hereby amended to read as follows:

"§ 23-5-5. Any person who dumps, deposits, places, throws or leaves refuse, paper, litter, rubbish, debris, cans, old iron, brush, boxes, tools, machinery, vehicles, brick, glass, glassware, glass bottles, glass jars, broken glass or glassware, filthy or odoriferous objects, substances or other trash upon a state or county highway, road or other public thoroughfare, or the right-of-way therefor, or within 20 yards of a state or county highway, road or other public thoroughfare is guilty of a misdemeanor, punishable, upon conviction, by a fine of not less than \$100.00 nor more than \$500.00,

by imprisonment in the county jail for not less than five nor more than 90 days or by both, or by sentence to collect litter along any public road in the county for a specified length of time under such supervision and conditions as the court may provide, or by any combination of the above punishments."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1979

Time: 3:00 P.M.

Act No. 79-440

H. 75—Clark

AN ACT

To amend subsection (f) of § 12-14-70, Code of Alabama, 1975, which section relates to appeals from municipal courts to the circuit court and to fix the responsibilities of the municipal courts in the event of dismissal of appeals and to establish procedures for entering judgments of default on appeal bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. § 12-14-70, Code of Alabama, 1975, is amended to read as follows:

"§ 12-14-70. Appeals to circuit courts from judgments of municipal courts and proceedings thereon.

(a) All appeals from judgments of municipal courts shall be to the circuit court of the circuit in which the violation occurred for trial de novo.

(b) The municipality may appeal within 60 days, without bond, from a judgment of the municipal court holding an ordinance invalid.

(c) A defendant may appeal in any case within 14 days from the entry of judgment by filing notice of appeal and giving bond, with or without surety, approved by the court or the clerk in an amount not more than \$500.00 and costs, as fixed by the court, conditioned upon the defendant's appearance before the circuit court. The municipal court may waive appearance bond upon satisfactory showing that the defendant is indigent or otherwise unable to provide a surety bond. If an appeal bond is waived, a defendant sentenced to imprisonment shall not be released from custody, but may obtain release at any time by filing a bond approved by the municipal court. If defendant is not released, the

prosecutor shall notify the circuit clerk, and the case shall be set for trial at the earliest practicable time.

(d) When an appeal has been taken, the municipality shall file the notice and other documents in the court to which the appeal is taken within 15 days, failing which the municipality shall be deemed to have abandoned the prosecution, the defendant shall stand discharged, and the bond shall be automatically terminated.

(e) Upon trial or plea of guilty in the circuit court on appeal, the court may impose any penalty or sentence which the municipal court could have imposed.

(f) Upon failure of an appellant to appear in circuit court when the case is called for trial, unless good cause for such default is shown, the court shall dismiss the appeal and upon the expiration of 30 days from such date, unless the dismissal is set aside, the circuit clerk shall return the file, with a copy of the order of dismissal, to the clerk of the court from which the appeal was taken and the judge of such court may enter judgment of default on the appeal bond by utilizing the procedures set forth in § 15-13-81. The circuit court may, on motion of the defendant made within 30 days of the order of dismissal, set aside the dismissal and other orders and reinstate the appeal on such terms as the court may prescribe, for good cause shown by defendant.

(g) Upon receipt of notice of dismissal of an appeal, the municipal court may issue a warrant for arrest of the defendant, who may also be arrested without a warrant as an escapee. Upon arrest, the defendant shall be delivered to the municipal authorities and punished in accordance with the judgment of the municipal court.

(h) If a judgment is entered against a defendant on appeal, the circuit court shall remand the defendant to the municipal authorities for punishment in accordance with the judgment of the circuit court, unless, when the judgment is for fine and costs only, the judgment is paid or a judgment is conferred therefor in favor of the municipality with sureties or as otherwise provided for convictions under state law.

(i) Upon receipt of payment of fines, forfeitures, and costs upon appeals, the clerk of the circuit court shall within 30 days pay 90 percent of such fines and forfeitures and 10 percent of the costs to the treasurer of the municipality. The circuit clerk shall be liable on his bond for such fines and costs plus a penalty of five percent per month for default in such payments."

Section 2. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1979

Time: 3:15 P.M.

Act No. 79-441

H. 203—Zoghby, Bedsole, Sandusky

AN ACT

To be known as the "Historical Preservation Authorities Act of 1979"; to authorize the incorporation in this state of public corporations for the purpose of undertaking and making or causing to be made engineering, architectural, technical, financial, legal and other appropriate studies and surveys with respect to restoring, renovating, preserving, improving, protecting or maintaining any public or private property within the state that has been listed in the National Register of Historic Places and developing property in the vicinity thereof, restoring, constructing, acquiring, owning, operating, leasing, selling and otherwise disposing of any such property, and cooperating with and lending financial assistance and other aid to municipalities, communities, counties, individuals, associations, partnerships, and public and private corporations in any matters and undertakings having to do with or the end purpose of which is to restore, renovate, preserve, improve, protect or maintain any such property; to provide the method of incorporating such corporations, the management thereof, and the election of directors thereof; to specify the powers and duties of such corporations; to authorize such corporations to issue bonds payable solely from the revenues of such corporations derived from the operation or leasing or sale of any such property and to secure such bonds by pledges of such revenues and by mortgages on any such property; to provide that no bond or obligation created or assumed by such corporations shall create an obligation or debt of any county or municipality or of the state; to authorize the refunding of any such bonds; to provide that all such bonds shall be negotiable instruments; to authorize such corporations to enter into contracts to secure payment of such bonds; to authorize such corporations to create a statutory mortgage lien on property of such corporation in favor of the holders of such bonds; to provide for the use of proceeds from the sale of bonds of such corporations; to authorize any county, municipality, or other political subdivision, public corporation, agency or instrumentality of this state to lend or donate money to or perform services for the benefit of such corporations, or to donate, sell, convey, transfer, lease or grant to such corporations, without the necessity of authorization at any election of qualified voters, any property of any kind, any interest therein and any franchise, and to do any and all things, whether or not specifically authorized in this act and not otherwise prohibited by law, that are necessary or convenient in connection with aiding and cooperating with such corporations in furtherance of their corporate purposes; to exempt from taxation such public corporations and their property and income, all bonds issued by such corporations, the income and interest from such bonds, conveyances by and to such corporations, and leases, mortgages and deeds of trust by and to such corporations; to provide for the filing of the certificates of incorporation or the recording of any document by such corporations without the payment of any fees, taxes or costs; to provide for reports by such corporations to the governor; to declare that this act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the severability of the

provisions hereof; to provide the effective date hereof; to exempt any corporation organized hereunder from Sections 41-16-50 through 41-16-63 of the CODE OF ALABAMA 1975; and to provide for the dissolution of such corporations and the disposition of their property upon dissolution, and to specifically repeal Act No. 822, H. 557, 1978 Regular Session (Acts 1978, p. 1213) as codified as Sections 41-10-120 through 41-10-134, Code of Alabama 1975, and other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and cited as the "Historical Preservation Authorities Act of 1979."

Section 2. Definitions. The following words and phrases used in this act and others evidently intended as the equivalent thereof shall, in the absence of clear implication in this act otherwise, be given the following respective interpretations:

(1) **APPLICANT.** A natural person who files a written application with the governor in accordance with the provisions of Section 4.

(2) **AREA OF OPERATION.** The area specified in the certificate of incorporation of an authority, within which the authority is empowered to carry on its business and activities under this act.

(3) **AUTHORITY.** A public corporation organized pursuant to the provisions of this act.

(4) **BOARD.** The board of directors of an authority.

(5) **BONDS.** Includes bonds, notes, debentures and certificates representing an obligation to pay money.

(6) **COMMISSION.** The Alabama Historical Commission, an agency of the state established under Section 41-9-240 Code of Alabama 1975.

(7) **COUNTY.** Any county in this state.

(8) **DIRECTOR.** A member of the board of directors of an authority.

(9) **INCORPORATORS.** The persons who form an authority pursuant to this act.

(10) **MUNICIPALITY.** Any incorporated city or town in this state.

(11) **NATIONAL REGISTER OF HISTORIC PLACES.** The national register of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology and culture maintained by the Secretary

of the Interior pursuant to the laws of the United States of America, including particularly the National Historic Preservation Act of 1966, as amended.

(12) **PERSON.** Unless limited to a natural person by the context in which it is used, such term includes a public or private corporation, a partnership, an association, a municipality, a county or an agency, department or instrumentality of this state or of a county or municipality.

(13) **PROPERTY.** Includes real, personal and mixed property and interests therein.

(14) **STATE.** The State of Alabama.

(15) **VICINITY IMPROVEMENTS.** Buildings, facilities and improvements for the accomodation of visitors to any facility owned by an authority which is registered in the National Register of Historic Places including, without limitation, motels, restaurants, coffee shops, stores to provide gifts and souvenir items, picnic areas, camp sites, trailer sites, cabins, lodges, parking lots, museums, exhibition and lecture rooms and areas, comfort stations, meeting halls, pavillions, centers for cultural entertainment, exhibitions and exhibits, and administrative or office buildings; provided that nothing contained in this act is intended to authorize any authority itself to operate as a commercial enterprise any such motel, restaurant, shop or store; and provided further that all such buildings, facilities and improvements are located within one-fourth of one mile of the facility registered on the National Register of Historic Places which is owned or operated or controlled by an authority, and within the area of operation of such authority.

Section 3. Purposes of authorities.

Public corporations may be formed under the provisions of this act as agencies or instrumentalities of this state for any one or more or all of the following purposes:

(1) To undertake and to make or cause to be made engineering, architectural, technical, financial, legal and other appropriate studies and surveys with respect to restoring, renovating, preserving, improving, protecting or maintaining any public or private property within the state that has been listed in the National Register of Historic Places, or providing vicinity improvements.

(2) To restore, construct, acquire, own and operate, singly or in conjunction with others, lease, sell and otherwise dispose of land, buildings, houses or other structures, facilities or property within

the state that have been listed in the National Register of Historic Places, and any vicinity improvements.

(3) To cooperate with and lend financial assistance and other aid to persons in any matters and undertakings having to do with or the end purpose of which is to restore, renovate, preserve, improve, protect or maintain any public or private property that has been listed in the National Register of Historic Places, or to provide vicinity improvements.

Section 4. Application for authority to incorporate; review of application and issuance of executive order by the governor.

(a) In order to form a public corporation under the provisions of this act, any number of natural persons, not less than three, shall first file a written application with the governor. Such application shall:

(1) Contain ~~a~~ statement that such public corporation proposes to undertake and carry out one or more or all of the purposes defined in section 3 with respect to public corporations formed under this act.

(2) Contain a description by county name or otherwise of the area of operation in which the public corporation proposes to carry on its activities.

(3) State that land, buildings, houses or other structures, facilities or property located in the area of operation of the public corporation and listed in the National Register of Historic Places are in need of restoration, renovation, preservation, improvement, protection or maintenance.

(4) State that the proposed activities of the public corporation within the area of operation will promote the preservation of and interest in property listed in the National Register of Historic Places.

(5) State that each of the applicants is a person of good moral character and is a duly qualified elector of the state who resides in the proposed area of operation; and

(6) Request that the governor issue an executive order declaring that he has reviewed the contents of the application and has found the statements of fact contained therein to be true and authorizing the persons filing the application to proceed to form such public corporation. Every such application shall be accompanied by such supporting documents or evidence as the applicants may deem appropriate.

(b) As promptly as is practicable after the application is filed as provided in this section, the governor shall review the contents of the application and shall find and determine whether the statements of fact contained in the application are true. If the governor finds and determines that any of the statements of fact contained in the application are not true, the governor shall forthwith issue an executive order denying the application; but, if the governor finds and determines that the statements of fact contained in the application are true, the governor shall forthwith issue an executive order declaring that he has reviewed the contents of the application and has found and determined that the statements of fact contained in the application are true, declaring that the proposed activities of such public corporation in the area of operation described will promote the restoration, renovation, preservation, improvement, protection or maintenance of, and public interest in, land, buildings, houses or other structures, facilities or property listed in the National Register of Historic Places and that, for such reason, it is wise, expedient and necessary that such public corporation be formed and authorizing the persons filing the application to proceed to form such public corporation.

In finding and determining whether the statements of fact contained in the application are true, the governor may, without investigation or further consideration, assume that the statements made pursuant to subdivisions (1) and (2) of subsection (a) of this section are true and, upon such assumption, so find and determine. It shall be sufficient to establish the truth of the statement made pursuant to subdivision (3) of subsection (a) of this section if there accompanies the application a resolution by the Commission that land, buildings, houses or other structures, facilities or property located in the proposed area of operation of the public corporation and listed in the National Register of Historic Places are in need of restoration, renovation, preservation, improvement, protection or maintenance; provided, however, that such means of establishing the truth of said statements are not to be taken as being exclusive. If the statement of fact made pursuant to subdivision (3) of subsection (a) of this section is found and determined to be true, then the governor may without investigation or further consideration assume that the statement of fact made pursuant to subdivision (4) of subsection (a) of this section is true and, upon such assumption, so find and determine.

Section 5. Procedure for incorporation.

(a) After the date of issuance by the governor of his executive order authorizing the applicants to proceed to form a public corporation, as provided in section 4, the applicants or not less than

three of the applicants shall proceed to incorporate a public corporation by filing of record in the office of the secretary of state a certificate of incorporation which shall comply in form and substance with the requirements of this section and be executed in the manner provided in this section.

(b) The certificate of incorporation of the authority shall state:

(1) The names of the persons incorporating the authority, together with their post office addresses and a statement that each of them is a qualified elector of the state;

(2) The name of the authority (which shall include the words "Historical Preservation Authority");

(3) The location of the principal office of the authority, which shall be within the area of operation;

(4) A description, by county name or otherwise, of the area of operation;

(5) The objects for which the authority is incorporated;

(6) The period for the duration of the authority (which may be perpetual if so stated); and

(7) Any other matters relating to the authority not contrary to law which the incorporators choose to insert.

(c) The certificate of incorporation shall be signed by each of the incorporators and shall be acknowledged before an officer authorized by the laws of this state to take acknowledgments to deeds. When the certificate of incorporation is filed for record there shall be attached to it a copy of the executive order of the governor authorizing the incorporation of the authority. When the certificate of incorporation is filed in his office, the secretary of state shall forthwith receive and record the same, and thereupon the authority shall be in existence under the name stated in the certificate of incorporation and shall constitute and be a public corporation and instrumentality of the state.

Section 6. Board of directors.

Each authority shall be governed by a board of directors consisting of three directors, all of whom shall be persons of good moral character, duly qualified electors of the state, and residents of the area of operation of the authority. All powers of an authority shall be exercised by the board or pursuant to its authorization. If the area of operation of an authority shall be wholly within the corporate limits of any municipality, the directors of that authority

shall be appointed by the governing body of that municipality. If the area of operation of an authority shall be wholly within a single county, the directors of that authority shall be appointed by the governing body of that county. If the area of operation of an authority shall be larger than any single county, the directors of that authority shall be appointed by the governor from among persons nominated by the Commission. Whenever the appointment of directors of an authority whose directors are nominated by the Commission is required, the governor shall notify the Commission in writing of the authority and the number of directors to be appointed. If the Commission fails to nominate directors within fourteen days after written notification from the governor as provided in this section, the governor may appoint as a director of the authority any person qualified to serve as such under the provisions of this act. The terms of the directors shall be staggered, the first term of one director being for three years from and after the date of his appointment, the first term of another director being for six years from and after the date of his appointment, and the first term of the remaining director being for nine years from and after the date of his appointment; thereafter, the term of office of each director shall be for nine years. Each director shall serve during his term of office, and until his successor is appointed and qualified. Vacancies on the board shall be filled by appointment by the governing body or the governor having the power to make the appointment for the full term. Appointments to fill vacancies which occur during a regular term shall be for the unexpired term. Directors shall be eligible for reappointment. If the certificate of incorporation shall so provide, each director may be reimbursed by the authority for actual expenses incurred by him in and about the performance of his duties. Any director of an authority may be impeached and removed from office in the same manner and on the same grounds provided by section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal from office of the officers mentioned in said section 175.

Section 7. Powers and duties generally.

An authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation;

(2) To maintain civil actions and have civil actions maintained against it in its corporate name, except as otherwise

provided in this act, and to defend civil actions against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To amend its certificate of incorporation by filing in the office of the secretary of state a certificate signed by all of the directors of the authority setting forth the details of the amendment, such certificate to be acknowledged in the same manner as the certificate of incorporation;

(5) To adopt and alter bylaws for the regulation and conduct of its affairs and business;

(6) To acquire, receive and take title to, by purchase, gift, lease, devise or otherwise, to hold, keep and develop and to transfer, convey, lease, assign or otherwise dispose of property of every kind and character, real, personal and mixed, and any and every interest therein, located within the area of operation of the authority, to any person;

(7) To undertake and to make or cause to be made, either singly or in conjunction and cooperation with others, appropriate studies, surveys, arrangements, undertakings and construction designs and plans and supervision having to do, directly or indirectly, with the restoration, renovation, preservation, improvement, protection or maintenance of, or interest in, any public or private property that has been listed in the National Register of Historic Places or acquisition or construction of any vicinity improvements; provided, however, that the authority shall not pay out any of its funds by way of any form of remuneration or compensation to any persons engaged in the making of any such studies, surveys, arrangements, undertakings and construction designs, plans and supervision other than to persons who are directly employed in that connection by the authority;

(8) To make available and give, subject to the provisions of subdivision (7) of this section, to any person, financial and technical assistance and aid of every kind and character which will directly or indirectly promote, encourage or effect the restoration, renovation, preservation, improvement, protection or maintenance of, or interest in, any public or private property that has been listed in the National Register of Historic Places or acquisition or construction of any vicinity improvements;

(9) To make, enter into and execute such contracts, agreements, leases and other legal arrangements and to take such other steps and actions as may be necessary or convenient in the furtherance of any purpose or the exercise of any power provided or

granted to it by law;

(10) To borrow money for any corporate purpose, function or use and to issue in evidence of the borrowing, interest-bearing bonds payable solely from the revenues derived from the operation or leasing or sale of any of its property;

(11) To pledge for the payment of any bonds issued or obligations assumed by the authority any revenues from which those bonds or obligations are made payable and to execute and deliver, as security for such bonds and obligations, mortgages, deeds of trust, trust indentures and pledge indentures as provided for hereinafter;

(12) To carry out all of its functions, exercise all of its powers, and conduct all of its business and affairs without regard to the provisions of sections 41-16-50 through 41-16-63 of the CODE OF ALABAMA 1975, or any similar law respecting competitive bidding, that might otherwise be applicable;

(13) To provide for such insurance as the authority may deem advisable;

(14) To invest any of its funds deemed by the authority to be not presently needed in the operation of its properties and undertakings in bonds, bills or notes of the United States of America, bonds of the state, bonds of any county or municipality within the state and interest-bearing deposits in banks and savings and loan institutions or any thereof; and

(15) To cooperate with the United States of America and any agency or instrumentality thereof, any state and its agencies and instrumentalities, any county or municipality or other political subdivision of a state and any other person, and to make and enter into contracts and all manner of legal arrangements with them or any of them and to obtain money by way of loans, grants or payments from them or any of them or property or other forms of assistance as the authority may deem advisable to accomplish the purposes for which the authority was created.

Section 8. Bonds - Issuance; form, terms, denominations, etc.; sale; security for payment generally.

All bonds issued by an authority may be executed by such officers of the authority and in such manner as shall be provided in the proceedings of the board whereunder the bonds shall be authorized to be issued. Any such bonds may be executed and delivered by an authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities,

shall contain such provisions not inconsistent with the provisions of this act and shall bear such rate or rates of interest, payable and evidenced in such manner as may be provided by resolution of its board. Bonds of an authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of or interest on any bonds issued or obligations assumed by an authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the authority, which may be sold by the authority at public or private sale at such price or prices as may be determined by its board to be most advantageous or which may be exchanged for the bonds or other obligations to be refunded. An authority may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by an authority, unless registered as to principal, shall be construed to be negotiable instruments though payable from a specified source. All obligations created or assumed by an authority shall be solely and exclusively an obligation of the authority and shall not create an obligation or debt of any county or municipality or of the state; provided, that this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by an authority. Any bonds issued by an authority shall be limited or special obligations of the authority payable solely out of the revenues of the authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation or leasing or sale of all property and facilities owned or operated by the authority or solely out of the revenues from the operation or leasing or sale of any one or more of such property and facilities, or parts thereof, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain property and facilities of the authority. An authority may pledge for the payment of any of its bonds issued or obligations assumed the revenues from which such bonds or obligations are payable and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds or obligations the property and facilities, or any part of any thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by an authority may contain such agreements as the board may deem advisable respecting the operation, leasing and maintenance of the property

and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture and respecting the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure unless the person to whom the property or facilities are leased by the authority operates for profit, in which event any such mortgage may be subject to foreclosure.

Section 9. Same - Contracts to secure payment.

As security for payment of the principal and interest on bonds issued or obligations assumed by it, an authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation, leasing and maintenance of any property and facilities owned or controlled and operated by it or under its authority or any part of parts thereof, for the imposition and collection of reasonable rates and rentals for and the promulgation of reasonable regulations respecting the use of property and facilities of the authority and any service furnished therefrom, for the disposition and application of its gross revenues or any part thereof and for any other act or series of acts not inconsistent with the provisions of this act for the protection of bonds and other obligations being secured and the assurance that revenues from such property and facilities will be sufficient to cover the cost of all direct operation of such property and facilities by the authority and the maintenance in good condition of such property and facilities owned and controlled by the authority, the payment of the principal of and interest on any bonds payable from such revenues and the maintenance of such reserves as may be deemed appropriate for the protection of the bonds, the efficient operation of such property and facilities, and the making of replacements thereof and capital improvements thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust and trust indenture made by an authority under this act.

Section 10. Same - Creation of statutory mortgage lien.

Any resolution of the board or trust indenture under which bonds may be issued pursuant to the provisions of this act may contain provisions creating a statutory mortgage lien in favor of the holders of such bonds and of the interest coupons applicable thereto on the property and facilities, or any part thereof (including any after-acquired property) out of the revenues from which such bonds

are made payable. The said resolution of the board or the said trust indenture may provide for the filing for record in the office of the judge of probate of each county in which any property and facilities, or any part thereof, may be located of a notice containing a brief description of such bonds and a declaration that the said statutory mortgage lien has been created for the benefit of the holders of such bonds and the interest coupons applicable thereto upon such property and facilities, or any thereof, including additions thereto and extensions thereof. Each judge of probate shall receive and record and index the name of the authority any such notice filed for record in his office. The recording of such notice, as provided in this section, shall operate as constructive notice of the contents thereof.

Section 11. Same - Use of proceeds from sale.

All moneys derived from the sale of any bonds issued by an authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include, but shall not be limited to:

(1) The fiscal, engineering, architectural, legal and other expenses incurred in connection with the issuance and sale of the bonds;

(2) In the case of bonds issued to pay costs of construction, building, acquisition, restoration, renovation or improvement of property of the authority, interest on such bonds (or, if a part only of bonds of any series is issued for such purposes, interest on that portion of the bonds of that series that is issued to pay such costs) prior to and during such construction, building, acquisition, restoration, renovation, or improvement of property of the authority; and

(3) In the case of bonds issued for the purpose of refunding principal and interest or either with respect to bonds issued or obligations assumed by the authority, any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

Section 12. Aid and cooperation of political subdivisions, agencies or other instrumentalities of the state.

For the purpose of effecting the restoration, renovation, preservation, improvement, protection or maintenance of, or interest in, any public or private property that has been listed in the National Register of Historic Places, any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state may, upon such terms and with or

without consideration, as it may determine:

(1) Lend or donate money to or perform services for the benefit of an authority;

(2) Donate, sell, convey, transfer, lease or grant to an authority, without the necessity of authorization at any election of qualified voters, any property of any kind, any interest therein and any franchise; and

(3) Do any and all things, whether or not specifically authorized in this act and not otherwise prohibited by law, that are necessary or convenient in connection with aiding and cooperating with an authority in its efforts to restore, renovate, preserve, improve, protect, maintain or promote interest in any public or private property that has been listed in the National Register of Historic Places.

Section 13. Exemptions from taxation; payment of fees, costs.

Each authority formed under this act, the property and income of the authority, all bonds issued by the authority, the income from such bonds or from any other sources, the interest and other profits from such bonds enuring to and received by the holders thereof, conveyances by and to the authority and leases, mortgages and deeds of trust by and to the authority shall be exempt from all taxation in the state. An authority shall not be obligated to pay or allow the payment of any fees, taxes or costs to the secretary of state in connection with its incorporation or with any amendment to its certificate of incorporation or otherwise or to any judge of probate of any county in connection with the recording by it of any document or otherwise, each authority being hereby exempted from the payment of any such fees, taxes and costs. No license or excise tax may be imposed by any authority with respect to the privilege of engaging in any of the activities authorized by this act.

Section 14. Reports to governor.

Each authority shall submit to the governor a detailed report of its activities during the previous year and of its financial condition. Such annual report shall be submitted as of October 1 of each year. The governor may also require special interim reports by an authority of its activities and its financial condition; provided, that such interim reports may not be required more often than once each calendar quarter year.

Section 15. Provisions of act cumulative; provisions of act exclusive as to incorporation, issuance of bonds, etc.

This act is intended to aid the state in the execution of its duties by providing appropriate and independent instrumentalities of the state with full and adequate powers to fulfill their functions. The foregoing sections of this act shall be deemed to provide additional and alternative methods for the doing of the things authorized thereby and shall be regarded as supplemental and additional to and not in derogation of any powers conferred upon corporations created by municipalities within this state or upon any other agencies of the state or the municipalities thereof which are concerned with the restoration, renovation, preservation, improvement, protection or maintenance of or interest in any public or private property that has been listed in the National Register of Historic Places.

Neither this act nor any provision contained in this act shall be construed as a restriction or limitation upon any power, right or remedy which any corporation organized under this act may have in the absence thereof, but shall be construed as cumulative and independent of any such power, right or remedy. No proceedings, notice or approval shall be required for the incorporation of such corporation or the amendment of its certificate of incorporation, the acquisition of any property or facilities, the making of any loans or the borrowing of money or assumption of obligations or the issuance of bonds or other instruments in evidence thereof or as security therefor except as prescribed in this act, any other law to the contrary notwithstanding.

Section 16. Authorization and procedure for dissolution of authority; vesting of title to properties of authority upon dissolution of authority.

At any time when no bonds or obligations assumed by an authority are outstanding, the board of directors of an authority may adopt a resolution, which shall be entered upon its minutes, declaring that the authority shall be dissolved. Upon the filing for record of a certified copy of the said resolution in the office of the secretary of state, the authority shall thereupon stand dissolved and, in the event it owned any property at the time of its dissolution, the title to all of its properties shall thereupon pass to and vest in the state.

Section 17. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional such declaration shall not affect the part which remains.

Section 18. Act No. 822, H. 557, 1978 Regular Session of the Alabama Legislature, (Acts 1978, p. 1213), as codified as Sections 41-10-120 through 41-10-134 Code of Alabama 1975, is hereby

repealed, except that any authority organized under said Act No. 822 prior to the effective date hereof shall continue to be valid and shall be governed by said Act No. 822, and any authority organized under said Act No. 822 may re-incorporate under this act by action of its board of directors and by the filing of documents required to be filed in forming a new authority under this act. All other laws or parts of laws in conflict herewith are hereby repealed.

Section 19. This act shall become effective upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved July 19, 1979

Time: 3:15 P.M.

Act No. 79-442

H. 692—Sandusky

AN ACT

To provide that persons now residing in nursing homes and permanently disabled persons confined to home in Mobile County may register to vote by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. Persons currently residing in nursing and convalescent homes and permanently disabled persons confined to home in Mobile County shall be entitled to register to vote by mail if they possess the qualifications of an elector and are not disqualified from voting under the Constitution and laws of Alabama, provided, that such persons shall be entitled to register by mail only if they were residents of Mobile County prior to entering the status which makes them eligible for such registration, and are certified to be so disabled or confined by a licensed medical doctor.

An application for absentee registration shall be filed with the board of registrars of Mobile County. The board shall furnish the applicant a written application in the same form as that provided other applicants and any additional application deemed necessary to determine eligibility to register, which application shall be answered by the applicant without assistant and shall be verified before a Notary Public of the state of Alabama. Such application shall be filed with the records of the board. The board may take other testimony respecting the applicant and the truthfulness of any information furnished by him. Any additional testimony so taken shall be reduced to writing and shall be sworn to by the witness before a member or clerk of the board or Notary Public.

Section 2. Any individual who registers to vote, or causes an individual to register to vote, under the provisions of this Act who is

not permanently disabled or currently residing in a nursing or convalescent home shall be guilty of a misdemeanor.

Section 3. All laws or parts of law in conflict herewith are hereby repealed.

Section 4. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 19, 1979

Time: 3:15 P.M.

Act No. 79-443

H. 182—Riddick

AN ACT

To amend Section 6-5-390, Code of Alabama 1975, so as to provide that a mother, as well as the father, may sue in behalf of her minor child.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6-5-390, Code of Alabama 1975, is hereby amended to read as follows:

“§ 6-5-390.

“A father or a mother, provided they are lawfully living together as husband and wife, shall have an equal right to commence an action for an injury to their minor child, a member of the family; provided, however, that in the event such mother and father are not lawfully living together as husband and wife, or in the event legal custody of such minor child has been lawfully vested in either of the parties or some third party, then and in either event the party having legal custody of such minor child shall have the exclusive right to commence such action.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1979

Time: 3:15 P.M.

Act No. 79-444

H.J.R. 272—Moore

HOUSE JOINT RESOLUTION

DENYING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report of the Judicial Compensation Committee created by Section 6.09 of Article VI of the Constitution of Alabama, filed and submitted to the legislature on March 9, 1979, and the recommendations contained therein, are hereby denied.

Approved July 19, 1979

Time: 3:15 P.M.

Act No. 79-445

H. 388—Owens

AN ACT

To make appropriations for the support and maintenance of the Marion Military Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1980, the sum of Three Hundred Twenty Five Thousand Dollars (\$325,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Marion Military Institute at Marion, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1979.

Approved July 19, 1979

Time: 3:15 P.M.

Act No. 79-446

H. 389—Owens

AN ACT

To make appropriations for the support and maintenance of the Tuskegee Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1980, the sum of One Million Four Hundred Sixty Thousand Dollars (\$1,460,000), out of the funds in the Alabama Special Educational Trust Fund, to the Tuskegee Institute located at Tuskegee, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1979.

Approved July 19, 1979

Time: 3:15 P.M.

Act No. 79-447

H. 390—Owens

AN ACT

To make appropriations for the support and maintenance of the Talladega College.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1980, the sum of three hundred thousand dollars (\$300,000.00) out of the funds in the Alabama Special Educational Trust Fund, to the Talladega College located at Talladega, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources

as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1979.

Approved July 19, 1979

Time: 3:15 P.M.

Act No. 79-448

H. 391—Owens

AN ACT

To make appropriations for the support and maintenance of the Walker County Junior College.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1980, the sum of Four Hundred Thousand Dollars (\$400,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Walker County Junior College located at Jasper, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institutions shall submit to the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1979.

Approved July 19, 1979

Time: 3:15 P.M.

Act No. 79-449

H. 392—Owens

AN ACT

To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1980, the sum of One Hundred Twenty

Five Thousand Dollars (\$125,000.00), from the funds in the Alabama Special Educational Trust Fund, to the Lyman Ward Military Academy located in Camp Hill, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the legislature each year, before any subsequent appropriation requests may be considered by the legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This act shall become effective October 1, 1979.

Approved July 19, 1979

Time: 3:15 P.M.

Act No. 79-450

S.J.R. 120—Robertson and Denton

SENATE JOINT RESOLUTION

INSTRUCTING ALL DEPARTMENTS OF THE STATE OF ALABAMA WITH REGARD TO RE-EMPLOYMENT OF DISMISSED STATE EMPLOYEES.

WHEREAS, recent action by many department heads has resulted in the dismissal of untold numbers of state employees, many with years of longevity under the Merit System of the State of Alabama; and

WHEREAS, most recently, the director of one of our departments has announced the imminent dismissal of an additional several hundred employees; and

WHEREAS, this body which, of course, supports dismissal for cause on an individual basis, cannot condone wholesale dismissal, under whatever guise, as being in the best interest of responsible state government; and

WHEREAS, it is the consensus of the Legislature that conscientious and loyal state employees deserve loyalty in kind by the administration and its department heads; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF

ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct all departments of the State of Alabama to strictly adhere to a hiring policy which mandates re-employment for all dismissed state employees for any and all departmental vacancies to be filled.

BE IT FURTHER RESOLVED, That no one will be appointed to fill any vacancy until all former state employees dismissed through no fault of their own have been rehired by the State of Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to Governor Fob James, to our State Personnel Director and to all department heads that they may be advised of our directive with regard to future employment policy.

This Act became a law under Section 125 of the Constitution on July 20, 1979, without approval by the Governor.

Act No. 79-451

H. 43—Trammell, Olive, Cheatwood,
Howard, Jackson, Amari,
Lewis, Tucker, Gafford,
Horn, Moore, Waggoner,
Bennett, Boles

AN ACT

Relating to Jefferson County; to repeal Act No. 512, S. 702, 1977 Regular Session (Acts 1977, p. 674) entitled "An Act To amend Section 167, Title 62, Code of Alabama of 1940 so that said Section 167, as amended, will provide in substance as follows: that in Jefferson County the Office of Coroner is abolished and that all powers, rights and duties now or hereafter authorized or required by law to be performed by coroners shall be exercised and performed by the county governing body through appointed Coroners/Medical Examiners, representatives or agents, for the performance of such duties in the entire county or in a designated portion thereof; that the county governing body shall be authorized to promulgate rules and regulations governing the operation of the Coroners'/Medical Examiners' office and the performance of the duties of the members of the staff; that the employment and compensation of such Coroners/Medical Examiners, representatives or agents shall be governed by any applicable civil service law; that each Coroner/Medical Examiner shall be a physician licensed to practice medicine in Alabama and recognized and trained in forensic medicine and pathology; that when there is more than one Coroner/Medical Examiner on the staff, the county governing body shall designate one of them as the Chief Coroner/Medical Examiner, and until such designation the Coroner/Medical Examiner longest in the continuous service of the County shall be the Chief Coroner/Medical Examiner; that the Chief Coroner/Medical Examiner shall direct the staff, subject to the supervision of the

county governing body; that it shall be the duty of the Chief Coroner/Medical Examiner to investigate and determine, or to secure another Coroner/Medical Examiner to investigate and determine the cause and manner of any death when any death falls within one or more of the following categories: (a) criminal violence or criminal neglect, (b) suicide, (c) accident, (d) suddenly when in apparent good health, (e) unattended by a practicing physician, (f) suspicious or unusual circumstances, (g) criminal abortion, (h) poisoning, (i) diseases constituting a threat to public health, (j) disease, injury or toxic agent resulting from employment, (k) while under anesthesia or within twenty-four hours following anesthesia or any other diagnostic or therapeutic procedure, (l) in any prison or penal institution, (m) when in police custody, (n) when a body is to be cremated, dissected or buried at sea, (o) unclaimed bodies, and (p) when a dead body is brought into this State without proper medical certification; that in investigating a death under Section 167, a Coroner/Medical Examiner shall be authorized to take charge of the dead body, to investigate the circumstances of the death, to conduct or have conducted an autopsy, and whether or not there is an autopsy, to take and retain whatever tissues and biological samples he deems necessary, including blood and/or urine, from the body of a person which he deems necessary to establish the cause and manner of such person's death, and to take possession of any object or article which in his opinion would be useful in establishing the identity of the deceased and/or the cause and manner of death; that there shall be vested in Medical Examiners all the authority now or hereafter vested in coroners by the law of Alabama, including the authority Section 76, Title 15, Code of Alabama 1940, herein called 'Section 76,' vests in coroners to make inquiry of the facts and circumstances of the death of any person who has been killed or has suddenly died under such circumstances as to afford a reasonable ground for belief that such death has been occasioned by the act of another by unlawful means, and the authority Section 76 vests in coroners to submit to a judge of a court of record or a district attorney sworn written statements of witnesses having personal knowledge of such circumstances, and to summon, upon direction of such judge or district attorney, a jury to inquire into the cause and manner of such person's death; and that no member of the county governing body, Coroner/Medical Examiner, registered nurse or appointed assistant, shall incur any civil or criminal liability for his actions under Section 167."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 512, S. 702, 1977 Regular Session (Acts 1977, p. 674), which abolished the office of coroner and established the office of Coroner/Medical Examiner in Jefferson County is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 25, 1979

Time: 11:45 A.M.

Act No. 79-452

S. 627—Bailey

AN ACT

To amend Section 41-16-50 of the Code of Alabama, 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to further provide for circumstances under which the contract may be awarded to other than the lowest bidder; and to make the provisions of the act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-16-50 of the Code of Alabama, 1975, is hereby amended to read as follows:

“Section 41-16-50.

“(a) All expenditure of funds of whatever nature for labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property, involving \$2,000 or more, made by or on behalf of any state trade school, state junior college, state college or university under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state, and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder; provided, that in the event a bid is received for an item of personal property to be purchased or contracted for from a person, firm or corporation deemed to be a responsible bidder, having a place of business within the county, where the awarding authority is the county or an instrumentality thereof, or within the municipality, where the municipality or an instrumentality there is the awarding authority, which such bid is no more than three percent greater than the bid of the lowest responsible bidder, the awarding authority may award contract to such resident responsible bidder. In the event a bid is received for an item in connection with constructing any public facility to be purchased or contracted for from a person, firm or corporation deemed to be a responsible bidder and who has its principal place of business located within the state of Alabama, which bid is no more than one percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to such bidder. In the event only one bidder responds to the invitation to bid, the awarding

authority may reject the bid and negotiate the purchase or contract, providing the negotiated price is lower than the bid price.

“(b) The governing bodies of two or more contracting agencies, as hereinabove enumerated within the same county or adjoining counties, may provide by joint agreement for the purchase of labor, services, or work, or for the purchase or lease of materials, equipment, supplies or other personal property for use by their respective agencies. Such agreement shall be entered into by similar ordinances, in the case of municipalities, or resolutions, in the case of other contracting agencies, adopted by each of the participating governing bodies, which shall set forth the categories of labor, services or work, or for the purchase or lease of materials, equipment, supplies or other personal property to be purchased, the manner of advertising for bids and of awarding of contracts, the method of payment by each participating contracting agency and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency’s share of expenditures for purchases under any such agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent, and such agent shall have the responsibility to comply with the provisions of this article. It is provided further that purchases, contracts or agreements made pursuant to a joint purchasing agreement shall be subject to all of the terms and conditions of this article.”

Section 2. This amendatory act shall have retroactive effect to May 1, 1979.

Section 3. Except as provided in Section 2, this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 20, 1979

Time: 3:30 P.M.

Act No. 79-453

H. 294—Carter, Gafford, Roberts, Letson

AN ACT

To amend Section 2, Subsection III (a) (9) (c) of Act No. 597, H. 244 of the 1978 Regular Session, which act makes appropriations from various funds of the State for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1979, so as to increase the A. B. C. Board appropriation in the Administrative Services Program by \$1,000,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Amend Section 2, Subsection III (A) (9) (c) of Act No. 597, H. 244 of the 1978 Regular Session by increasing the Administrative Services Program by \$1,000,000.

The "source of funds" for the above additional appropriation shall be from the A. B. C. Stores Fund.

Section 2. This Act shall become effective immediately.

Approved July 26, 1979

Time: 8:45 A.M.